

INSIDE: Khadafy's terror offensive in London

Maclean's

APRIL 30, 1984

CANADA'S WEEKLY NEWSMAGAZINE

\$1.25

The New Face of the Law

**A people's defender
takes charge
of the Court**

**The cases that may
change the
Canadian way**

**Canada's Chief Justice
Brian Dickson**



The real facts

Just who do you think you are? Is Wolcott's crying of influence or outrage who Canadians should vote for by printing falsehood as fact [The NDP's fight for survival, Canada/COVER, April 2007] is so difficult not to conclude that the answer to that question is yes when one compares your statement with Ed Broadbent and the NDP supporting killing the Crowcutt-Patt freight rate with the facts, all of which show exactly the opposite. It was the New Democrats who fought the government for more than 18 months in 1983 and forced them to hold public hearings across the country. It was the New Democrats who raised four of the Liberals' carefully chosen deadlines for passage of the bill, saving farmers millions of dollars in the process. It was the New Democrats who proposed 186 specific amendments to the bill and put up speakers after speakers in defense of the Crow, outnumbering the Conservative party 2 to 1... and their cause is more than three times over in debt. You ignored these facts when you did your piece on the Crow debate last fall. That time in your piece on Broadbent and the NDP you wrote that you ignored the facts, you have completely reversed historical fact.

—LIZ INCHURIN, MP,
Bona Vista,
Transport Canada
New Democratic Party
Ottawa

Exercising the sixth sense

I was deeply impressed with Barbara Amiel's column. Which parent owns the child? (April 16). "There is nothing new under the sun" is also a statement at-



Ed Broadbent: defending the Crow

tributed to the wise Solomon. As life was being threatened in Solomon's day, so too today face the same problems. Judgment was rendered by the ancient king, not through a psychological or biological evaluation of the situation but rather through the exercising of a sixth sense. Hence, instant common sense. I thank Amiel for exercising her common sense in a time when the harvest of real page is considered immoral and unjust and a father's rights are overlooked by our judicial system, we ask where in that sixth sense? We can only hope that through articles such as Amiel's, we will all be encouraged to use it.

—VERNON BALEY,
Thornhill, Ont.

Barbara Amiel's column concerning the equal rights of both parents regarding their unborn child was an extremely thoughtful and realistic reflection on where our society really stands.

—MICHAEL WILLIAMS,
Leeds, Ont.

Clarification

An article in the April 30 issue of Maclean's on the murder trial of Bruce Curtis quoted inflammatory headlines in a New Jersey newspaper, which purported to describe the contents of Curtis's diary. The words in the headline did not come from the diary itself. They were based on what Scott Franco, convicted of murder in connection with the incident, described as the paper investigation of the diary entries. As noted in the article, Franco's evidence on that issue was ruled inadmissible by the trial judge.

■ Maclean's regrets the error

PASSAGES

DORIS Gies, Mark Clark, 57, commander of the 17400th-member U.S. Fifth Army which liberated Rome on June 4, 1944, of cancer and heart disease, in Charleston, S.C. Clark's controversial career spanned both world wars and the Korean War. On Oct. 21, 1942, he made a dramatic submarine voyage from Gibraltar to French Morocco that laid the groundwork for the successful North African landings in the following month. An advocate of the war in Indonesia in the early 1970s, Clark praised then-President Richard Nixon's order to bomb North Vietnam in 1972.

DORIS: Marie-Annette Lockert, 38, the former Quebec medical secretary who was allowed to return to Canada last year for medical treatment after serving less than a year of a life sentence in prison in India for her part in the murder of a Israeli tourist in 1996, of ovarian cancer, in Laval, Que. Lockert was arrested while travelling throughout Asia, with suspected arms trafficker Charles Sobhraj. Their case was the basis for the best-selling 1979 book *Serpentaire*.

DORIS: Jane Mallett, 64, Canadian comedian who acted for nearly 60 years in radio, TV, and film but was best-known for her stage work after suffering from emphysema, in Toronto. In 1967 she co-founded the Actors' Fund of Canada, which raises money to help actors in need. Mallett began her career in stock theatre in the mid-1930s and starred in the musical *How to Succeed in Business*, as well as eight concert *Spring Thaw* revues.

DORIS: Ralph Kinkpatrick, 78, keyboard player and musician who was instrumental in the revival of the harpsichord in Guilford, Conn. After performing extensively in North America and Europe in the 1950s, Kinkpatrick served as professor of music at Yale University for 36 years. In the late 1980s, while studying early editions of baroque chamber music, he discovered previously unknown information about baroque composer Giovanni Bononcini which he used in his classic 1992 biography.

DORIS: Sir William Empson, 77, British poet best-known for his 1930 book on literary criticism, *Sense Types of Ambiguity*, in London, England. Empson taught at the universities of Tokyo and Peking in the 1920s and 1940s, worked for the BBC in China during the Second World War, and was opposed to the Christian faith, saying that he found a religion based on a tortured man "repulsive."

Seals, fish and an albatross

In your article *The autumn legend* (Canada, March 19) you say that the commercial hunt of whiteout and peopled in 1982. Federal fisheries statistics indicate a take of 5,609 whiteouts in 1983. The rest of the take were referred to as bycatch—catch more than two weeks old. The fact is that 44,000 young seals were killed in 1982. To us, a baby seal is a baby seal, be it two weeks or six weeks old. My son and I personally witnessed the killing with clubs of whiteouts in 1983. Whiteouts were again killed in the Gulf of St. Lawrence in 1994. Fisheries Minister Pierre De Lauroit said on "deplorable criminals," but in the entire history of the seal hunt protest there has never been an injury caused or damage to property by any protesters. De Lauroit is the author of the bill for the boycott of Canadian fish. He has instead a government that has refused to negotiate an end to this economic atrocity—the seal hunt. It is time to end the hunt before any irreparable damage is caused to the Canadian fishing industry, fishermen and the families.

—PAUL WATSON,
Capitaine, Sea Shepherd,
Vancouver

I have no direct connection with the sealing industry, but no sense of moral fairness has been increasingly upset by the extremely vocal efforts of small "well-meaning" protest groups such as the International Fund for Animal Welfare. These misguided people seem to feel that the end, right or wrong, justifies any means. The fact that these policies mean suffering to many human beings who are totally unconnected with sealing does not seem to bother them.

—LARRY GRANT,
Calgary

Royal confusion

Maclean's coverage of the historic state visit by King Juan Carlos and Queen Sophia was entertaining, but some of the information was alarmingly reported. The wedding-glass ceremony took place at the National War Memorial, not at the city memorial. The brass trumpet played *The Last Post* and *Ritornello*, not the anthems of Canada and Spain.

—MAG A. F. STEINBERG,
Senior Administrative Officer,
National Defence Headquarters,
Ottawa

Sometimes on Sunday

I enjoyed Fred Manning's article on President Ronald Reagan and prayer (Atoning's unexamined prayers, Column, April 9), but I would like to offer one correction. Although some Chris-

tians do celebrate Sunday as a kind of Sabbath, it is more correctly known as the Lord's Day. The actual Old Testament Sabbath is, of course, Saturday, the seventh day of the week.

—JANE HESLO LINDER,
Victoria

A dark-horse contender

Finally, we have a Canadian politician with a vision to the future (A Liberal contender with ideas, *Business Week*, April 2). Donald Johnston's ideas are a refreshing change from the backward

politics of some in this country. If his social policies are as progressive as his economic ones, we may well have a dark horse on our hands.

—DARRIN BLOIS,
Victoria

The name is the game

The only hint of note in the article *Patty Hearst's new life* (Follow-up, April 2) in your mailbox to name her. She is called Patricia Campbell Hearst, Patty Hearst, Mrs. Bernard Hearst Shaw, Shaw, Hearst and Patty Hearst Shaw. Surely, if Hearst "prefers to be

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Topics include: Instability: Is there concern among the insured? How do the insured and the intermediaries share financial stability? The impact of risk management on the bottom line, implications for product, directors' and professional liabilities.

Fear 1985: Contact Ray Doyle (Financial Post Conference), Melvin Hunter Building, 777 Bay St., Toronto, Ontario M5W 1A7 (416) 596-5676.

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known by her maiden name, "she should be. As for your statement that "traces remain of the slightly apocryphal horror she once was," her choice of name itself shows Hester's new-found sense of self. It seems that it is Marlowe, no longer Patty Hearst, that is having difficulty determining her identity.

—HEE WELDE,
Toronto

Beating the bushes

I am disappointed with Marlowe's for the marriage snipers (Bellevue, March 26). Ron and Gigi Moore's service is disastrous. I question the reality of a marriage that would marginalize its partner to check up on the other with such devices as "infrared" set in the dark "binoculars." Would it not be better to confront a spouse than to hide in the bushes with a rubber nose and a camera? I am disenchanted with a society that needs such a service to "sneer" its wayward husbands.

—EMILY REVEL,
Toronto

Determination and applause

Kudos to Richard Seel of Winnipeg (Marlowe's) correct of language (Argonaut, Canada, March 26). The explanation language issue tensions in Marlowe have renewed my doubts about the ability of anglophone Canadians either to honor historical commitments or to be tolerant of the rights and interests of the francophone citizens. The responses of anglophone Seel gives me much hope, and I applaud his determination to do something about it.

—LYMAN BODICER,
Fort Erie, Ont.

A legal end ens

Your brief article on the passing of Chief Justice Bora Laskin (The Argonaut, Justice, April 21) is far short of the prominence that should have been afforded that man. The influence of Laskin's judgments has and will continue to affect all Canadians for years to come. Laskin's death marks the end of a distinct era of Canadian legal reform. With the pending decisions of our Supreme Court on matters arising from the Charter of Rights and Freedoms, that institution will profoundly influence the lives of every Canadian. Any event affecting the Supreme Court should be given the highest profile.

—MARK A. TRACHEL,
JOHN A. WATSON & CO.
Ottawa

Getting it straight

In Barbara Mastagart's letter (Letter to the editor, March 26) she takes exception to the use of the term American

when referring to the United States. The use of the term "American" is as improper as would be the use of the word European to define the citizenship of the people of Germany, Poland or France. Yet the Canadian media consistently make use of the term "American" and as carry the name of our entire continent to one country. The United States is the only country where the people have not been named—people from England are called English, those from Brazil are Brazilians. What do we call the people of the United States? For my own use I have coined the word United Statesians. For accurate journalism, let us at least use terms that are legally correct and have meaning—calling Americans when we mean the United States is certainly not one.

—VIGORIN W. KARE
St. Stephen, N.S.

A taxing matter

Regarding the horror stories about the claims of Revenue Canada (The Age man on the people, Corner, Feb. 12), one item that seems to have been ignored is that the money being taxed is our money. The whole concept of government seems to have been ignored—the individuals of that body supposed to be the representatives of the people of Canada. Lastly, it seems to be "them" against "us." And, while "we" are bound by duty and by law to pay toward the upkeep of this country as well as for the privileges we enjoy, "they" seem to think it is all theirs, and we will be permitted to keep only what is left over after taxation.

—JENNIFER FOWLER,
Lethbridge, Alta.

Alternatives and solutions

Like many Israelis living abroad, I shall be watching with interest the forthcoming election in Israel (Israel's broken coalition, World, April 2). Indeed, the (its) ongoing battle today, such as the enormous tension and the wide income gap between Ashkenazi and Sephardic Jews, originated with the Labor government, which ruled the country from its creation until 1977. Furthermore, the disastrous policy of Israel settlements on the West Bank was started by Labor after the 1967 war. Unfortunately, there is no clear decision in the Israeli political arena to emphasize the peace alternative and offer solutions to the economic and social problems.

—SAMUEL BEN ZION,
Toronto, Ont.

Letters are edited and may be condensed. Writers should supply name, address and telephone number. Most correspondence is lost in the shuffle. Write: **Letters to the Editor**, 200 Bay St., Toronto, Ont. M5H 1A7.

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The Dionne quints at 50

By Patricia Huxley

After 50-year-old Elaine Dionne gave birth to quintuplets in a suburban farmhouse 20 km from North Bay, Ont., in 1934, the five identical sisters became most North Americans' favorite and almost obsessive diversion from the hardships of the Depression. During the 1950s and 1960s magazines including *Modern's*, the *Star Weekly*, *Life* and *Look* featured the quintuplets, often on their covers. The girls also appeared regularly on the front pages of newspapers, in scores of commercials and in advertisements for

and Yvonne Dionne—live in the Montreal suburb of Saint-Basile-de-Montarville, where, according to Allard, they are still "trying to forget these goldfish-bowl upbringings." As the sisters prepare to celebrate their 50th birthday on May 26, they greet all interview requests with the response, "C'est impossible." But they fear that curiosity seekers will try to invade their much-desired privacy anyway.

In Saint-Basile the sisters blend quietly into the community. Allard, who has been separated for 10 years from Germain Allard, a Montreal financial executive, does part-time clerical work



The surviving sisters in 1979 at their father's funeral goldfish-bowl upbringing

products as diverse as Baskin-Robbins and Birmingham Road typewriters. By the quint's 10th birthday, as many as five million people had travelled to "Quintland" to observe them in their special fenced-off compound across the road from their parents' 1934-acre farm. The proceeds from product endorsements and from film and radio guest spots enriched the sisters' trust fund by more than \$800,000, but their early life had a dark side that few people were aware of at the time. "There was so much more money than love," they have said.

Two of the quint's are dead. Berlie died during an epileptic seizure in 1954, and Marie died of a blood clot on the brain in 1979. The surviving sisters—Aimée Allard, Céline Langlois

at the new Saint-Basile Municipal Library. Respected Yvonne Dionne, a former nun with the Notre Dame de Sacré-Cœur order who is more mother-looking than her demure, stylish sisters, is a full-time clerk at the library and lives alone in a bungalow several blocks from Allard's ranch-style home. Céline, who divorced her husband, Philippe Langlois, 39 years ago, works as a housekeeper in her apartment.

The sisters remain close. Indeed, Allard's estranged husband said the sisters' relationship is one of the reasons that his marriage failed. Said Allard: "They are still living in quite a closed circle." At the same time, the sisters avoid contact with their 75-year-old mother and with their eight brothers and sisters, all of whom still live in the

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The three-year-old quintuplets. 'There was so much more money than love'

North Bay area. (Their father, Olive Deneau, died at 76 of a stroke in 1979.)

The quints' estrangement from their family began when they left home in their late teens to attend the Sisters of the Assumption convent school in Nicolet, Que., about 100 km northwest of Montreal. In the 1969 book *We Were Five*, written by James Brugh after extensive interviews with the sisters, the quints bitterly related their feelings of alienation from their family. They were raised by private nuns and they received their early education from nuns. The sisters returned to the family home to attend Marie's funeral in 1976 and their father's funeral, but apart from that they have stayed away. Their communications with the rest of the family mostly through Christmas cards.

From the beginning the quintuplets' family satvety exploded them. Their birth was an extraordinary phenomenon—there had been only two cases in medical history of the birth of identical quintuplets (babies who all developed from a single egg). In both cases, all the babies died within two months. Doctors did not expect that the Deneau quints, two months premature and weighing between one lb 8 1/2 oz and 9 1/2 lb, would survive, but even before their lives were out of danger people began to market them. Within days of their birth their father, on the advice of Rev. Duane Rothbar, the parish priest, and Dr. Alvin Ray Dufour, the quints' doctor, sold the rights to promoter Irvin Speer in exchange for daughters at the 1968 Chicago World's Fair (he later reneged on the deal). Then, to protect the sisters from further exploitation, the Ontario

government made them its wards and placed them under a four-man board of guardians—not including their parents. But the guardians, instead of protecting the sisters, permitted the public to observe them in the government-built compound and play areas. That circus-like atmosphere took its greatest toll on Marie, who in her 20s suffered from depression and a nervous breakdown and, according to Pierre Berton's 1977 book, *The Deneau Five*, became an alcoholic after her marriage to Florian Houle broke up in 1984.

Exploitation of the sisters continues. Recently, North Bay's city councillors debated buying and converting to a more profitable tourist attraction the playground and log farmhouse in which the sisters were born. The building, which North Bay real estate and insurance broker John Kennedy now owns, sits near his Pinewood Park Motor Inn. Last year the house attracted about 17,000 visitors, who paid from 50 cents to \$1.50 to walk through it even though Kennedy has not advertised it. In commemoration of the quints' 50th birthday, the North Bay Chamber of Commerce has ordered more than 30,000 coins bearing a likeness of the young girls and it hopes to sell them at prices ranging from \$1 for nickel-plated steel to \$25 for pure silver.

The three sisters will likely celebrate their 50th birthday privately and "just employees," according to Annette Albert's son Irvin. The sisters could be forgiven a high of relief when the day is over. Perhaps then a circus world will permit them the anonymity that they so much desire—at least until their 60th birthday. ☐

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The Matterhorn changes hands

Each summer more than 3,000 climbers set out to conquer the Matterhorn, the Swiss mountain that fascinates alpinists more than any other peak in Europe. Slightly more than half of the climbers succeed, largely because of the skill of the Matterhorn's 40 guides. The others give up, mostly out of weariness. One-legged climbers and children have conquered the 14,691-foot mountain. But beating the Matterhorn is not easy. Every au-

son a dozen climbers are killed in falls or seriously injured in rock slides. This summer tourism officials expect that it will be business as usual, even though the Matterhorn has undergone a major change. Few mountaineers preparing to brave its icy walls and rigorous weather will notice the difference, but the mountain has a new owner.

The Bürgergemeinde—an exclusive guild that consists of the 31 families of Zermatt's old bourgeoisie—had claimed

ownership of the Matterhorn since 1858. But in a ruling that sent tremors through the steep valleys of Switzerland, the Federal Swiss court in Lucerne last month ordered the Bürgergemeinde to turn the deed over to the resort village of Zermatt, which lies at the foot of the famed mountain. The ruling ended a legal dispute over the Matterhorn that began in 1966 when a Zermatt mountaineer challenged the ancient claim of the Bürgergemeinde to the mountain and its other 12,800-foot peaks around the village.

The court's decision means that the Bürgergemeinde will now have to pay rent on the mountain to Zermatt (pop. 3,500). The Zermatt town council has not yet set the annual fee, but observers expect that it will be a nominal amount. What most worries the immensely rich burgheimers, who in recent years have built \$60 million worth of cable cars, ski lifts and dining facilities in the Zermatt region, is that they will now have to seek the Zermatt town council's approval for all of their new building proposals aimed at the 500,000-wild alpine, climbers and tourists who visit the Matterhorn every year. The court said burgheimers: "The ruling has stripped us of our birthright. We are going back through the clouds."

But the villagers do not expect the Bürgergemeinde to pursue the matter. They say that the court's decision has simply ended a legal anomaly and that there is not enough money at stake to keep the Bürgergemeinde fighting for its lost rights. Said Constant Cachat, the tourism director of the village: "They are just stepping out of wounded pride."

For people who are not mountaineers, the lure of the Matterhorn seems unflinching. It is not the highest in Europe (Mont Blanc is the French Alps, at 15,771 feet) and it is not the hardest to scale (like Elbrus in the Soviet Alps). But the Matterhorn has dominated alpine mountain lore ever since Edward Whymper of Britain and two Zermatt guides first conquered it in 1865, a climb that claimed the lives of four members of Whymper's expedition. Present-day ascents can take from 14 hours to three days, depending on the route chosen and the mountaineers' skill. But the Matterhorn's fame, unpredictable weather and reputation as an easy climb have proved fatal to many foreign climbers. Cachat tries to persuade those amateurs to spend \$100 a day for the services of a guide. But, surprisingly, not all of the climbers agree. The Americans and Japanese are the most footloose—many of them arrive in Zermatt to see the famous peak. In a brief that a Swiss official in as much a part of their European tour as a gondola ride in Venice.

—PETER LEWIS IN BRUNNEN

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compares with the 1.8 liter, four-cylinder engine of the 318i.

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However, the new BMW does not turn back the clock to the days of extravagant power based on cheap gasoline; you can enjoy your performance cake without having to eat a consumption penalty. Combined city and highway consumption is measured at an abstruse 8.77 liters per 100 kilometers, or 33.75 mpg on the old scale. (The "e" in the model designation stands for efficiency.)

Compared with the 318i, the 325e not only puts out 20% more horsepower, it delivers 65% more torque. The predictable result,

the 325e's performance is impressive all the way up the power band and speed scale. Which is not so surprising when one considers that the same E21 engine also powers the mid-sized BMW 528e. And the 528e weighs some 230 kilograms (500 lbs.) more than the 325e.

The new 325e is not only uncompromisingly quick, it is uncompromisingly equipped. Its amenities include power sunroof and windows, electrically operated rear view mirrors, light alloy wheels, wide low-profile tires, a stereo system that sounds as good as the way wheels look, and a leather-covered sports

steering wheel. Driver and front passenger slip into sports seats that are more than orthopedically correct; they keep you snugly tucked in during bouts of exuberance. All around is evidence of design integrity, construction quality, and quiet good taste.

However, much the same can be said for the 318i. Other than the engine difference, the 318i either possesses the same features as the 325e, or they are available at extra cost. Furthermore, for most people, the 318i offers the perfect balance for a sports sedan. To them, all else is excess. The 318i is big

enough to meet firmly needs, small enough for maximum agility, and offers power enough for a spirited kick in traffic and quiet, serene cruising at highway speeds.

Who, as they say, could ask for anything more? Answer: the die-hard BMW enthusiast. Here, with the 325e, they have it.

Finally, there is one other significant difference between the two BMWs. The hot new 325e costs about \$34,000. That's about \$5,000 more than the base price of the 318i* (although not so much more than a similarly equipped 318i).

Obviously, the only foolproof way to decide between the two cars is to drive them. But before you do so, be warned: Be prepared to buy because, as BMW owners will tell you, driving any BMW can spoil you for other cars.



318i or 325e: the difference speaks a language of its people who designed it new just at together. And what it says is that these guys know what they're doing!

*Suggested retail prices. Dealers may call for less.



Bavarian Motor Works, Munich, West Germany



For mobility and convertibility, the BMW 318i is a joy to drive. Equally mobile and convertible, and exceptionally speedy to boot, the hot new 325e is very much the enthusiast's car. Present drive one and you may become an instant aficionado.

Tiny Tim's strange old world

On the night of Dec. 17, 1968, an exotic, long-haired, middle-aged singer named Herbert B. Khazary married his 17-year-old fiancée, Vicki Radinger, on Johnny Carson's *Tonight Show*. A 30-second intermission performed the 30-minute ceremony during which the couple vowed "to be sweet, gentle, kind, patient, not puffed up, charitable, slow to anger, swift to forgive." They kissed for what the press said chastely was "about the fifth time." Then they

strolled over to the *Tonight Show* guest couch, where Carson offered a champagne toast to the newlyweds, Tiny Tim (Khazary's stage name) and his beloved Miss Vicki.

Tiny Tim's wedding was undignitarily the strangest event in his astonishing show business career. Eighteen months earlier his falsetto, skulike-barked rendition of *Tiptoe Through the Tulips* With My had filled him to swollen pop fame from two decades of obscurity as a

New York novelty act. His hit single was in the Top 60 on the North American record charts for six weeks; his albums, *God Bless Tiny Tim*, had sold 100,000 copies; he was mounting top billing at Las Vegas nightclubs, and he had earned an estimated \$500,000 during a single 10-month period. The next summer, on Britain's *Isle of Wight*, he appeared on the same stage as folk greats Janis Mitchell and Jani Haxdrix, blowing kisses to the crowd as 200,000 rock festivalgoers cheered. And then he disappeared.

When he vanished to is a slightly elevated version of where he started from: "Singing popular songs," as he puts it, "of the days gone by." Most of his appearances now are at small nightclubs and at minor resorts in such places as Saint John, N.B., and Downingtown, Pa., with occasional ventures further afield for a late-night talk show in Los Angeles or for an open-air concert in Sydney, Australia. What money remained from his golden days has vanished. Miss Vicki, too, packed up and left in 1970 with their infant daughter, Tulip Victoria (the couple was divorced in 1975 after an acrimonious dispute over Vicki's fledgling career as an exotic dancer and as a nude model).

Remarkably eccentric and coy about his age ("I'm nearing 50"), Tiny Tim still roams his creaky and worn his hair (formerly black, now grey and dyed mustard) at shoulder length. He squeezes his muscle punch into old blue jeans and a lacy, rumpled silk jacket. He lives with his 56-year-old mother, Tully, in a drab but respectable residential bungalow, the Olcott, on Manhattan's West Side, where one of his favorite pastimes is watching theatres that show pornography films. "I go to learn, gratis our Lord and Savior Jesus Christ," he explains in an interview, in his raspy baritone speaking voice. "If I had been a better lover, Miss Vicki would be with me now."

But like the lyrics from *Those Through the Tulips* or from any of the hundreds of his favored "my country" ballads, Tiny Tim is also oppressively optimistic. Explaining why his current shows include renditions of the Bee Gees' *Stays* Alive and of Michael Jackson's *Off the Wall*, he declared, "One has to keep up with the times." Still, notably, Tiny Tim is now pursuing a "very clean and very honorable" romance with a jewelry, dark-haired New York advertising agency graphic designer, Jani Alweiss, who is at least 20 years his junior. Early this month he surprised "Miss Jani" with a heart-shaped, gold "pre-engagement" ring. "Tiny Tim insisted that he cannot consider marriage 'until I am in a better position to support her.'" But, he added, "I am just one step away from it, and I'm asking it." ☐

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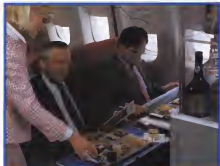
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Q&A: CARL SAGAN

Life after the bomb



Sagan: there will be absolutely no sanctuaries from the nuclear fallout

Carl Sagan, the distinguished astronomer and Pulitzer Prize-winning author, is a world renowned authority on the concept of "war in space" and on the effects that nuclear war could have on the world's environment. Sagan, it will soon be an adviser on numerous Alaska space ventures, including Apollo, Pioneer 10 and 11 and Voyager 1 and 2. He recently, along with other prominent scientists, criticized the U.S. government's plan to test antineutrino weapons. Maclean's correspondent Gregory Wirtz talked with Sagan at Cornell University in Ithaca, N.Y., where he directs the Laboratory for Planetary Studies.

Maclean's: What do you think of Reagan's "Star Wars" proposal—his plan to develop antineutrino weapons?

Sagan: A magic force field that surrounds the United States and protects it against all enemies is attractive if you are fond of magic. But in the real world we find that there are very serious problems with such a notion. In congressional testimony Richard DeLauer, an undersecretary of defense, compared Reagan's proposed defense system to six or eight sandbags on projects of the magnitude and difficulty of the Apollo moon exploration program, all of which would have to function well for the final month to work. Now, in the Apollo program the moon was not fighting back. It was just there, and our object was to get to it. But there is no reason why the Soviet Union ought to be a passive bystander, and there are all sorts of con-

ceptively inexpensive and technologically very easy suggestions that it could make. There is the notion, for example, of space mines.

Maclean's: Reagan has suggested that his proposal would be a way for the United States to regain superiority in the arms race. Do you agree?

Sagan: That approach has been called the fallacy of the last move: the idea that if there is only one more step in the nuclear arms race, then all will be well. Reagan ignores the clear historical precedent—that there is always a response to what you do. The 90 minutes, for example, will have 10 warheads on a single booster. Once the 10 warheads are launched they can destroy 10 Soviet canals. Therefore, it is tempting for the Soviets to destroy the US before the warheads are deployed because then there is a 20-to-1 advantage. I believe that "Star Wars" is a highly naive defense system, or rather, but much more serious because the destabilization is much greater. Let us say that a military communication satellite unexpectedly fails. If it were to happen today, we could be quite sure that it had failed because something had gone wrong. But in an age of ballistic missile defense systems, we might think that it is a hostile action—and that moves the stakes. You see at a higher level of alertness. If there is another confrontation going on elsewhere at the same time, it might signal that things were about to go to the boom.

Maclean's: You wrote recently in the



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proponents quarterly journal *Science* Affairs about the chaotic and environmental consequences of nuclear war. Could you summarize your findings?

Segev: It was a purely scientific discovery. We set out to understand the planet. Mars has major dust storms, and we discovered in 1971 that the surface gets colder and darker as a result. We were able to calculate how much colder it ought to get so we knew what happens to surface temperatures when there are a lot of fine particles in the atmosphere. Then in the late 1970s we began work on what the consequences of a nuclear war would be. We found that the fine dust from high-yield nuclear bombs and the soot from fires set by nuclear explosions over cities would produce an amazing veil of fine particles. We found that we could calculate what the global temperature decline would be, and it was horrendously large—tens of degrees. The light goes away, you don't want to be pitch-black in the vicinity of cities.

McNee: How long does that phenomenon last?

Segev: Nobody knows. Our estimate is that it would be for at least many months, and we think that if we have made a mistake, we have made it on the conservative side. One outstanding aspect of our investigations of the effects of a nuclear war is the realization of

what even a very limited nuclear war can do. If cities are targeted—and because cities are co-located with military targets in many cases you cannot avoid their destruction—that if 500 cities are burned, that something like the fall-out "water" occurs—when light is drastically reduced, the temperature plummets, and agriculture collapses worldwide. It would take less than one per cent of the existing strategic arsenals to trigger that phenomenon.

McNee: In the event of a nuclear war, would there be any safe places on Earth?

Segev: The effects would not be confined to the target zone. Those fire-desertification patterns spread, certainly throughout the Northern Hemisphere and the tropics, and very likely throughout the Southern Hemisphere too. That means there would not be any sanctuary. A country like Canada, assuming that no nuclear weapons fell on it, wouldn't, would never be less heavily damaged.

McNee: Is there the Union of Concerned Scientists, of which you are a member, the Physicians for Social Responsibility and other groups of scientists have expressed their opposition to the growth of the nuclear arsenal.

Segev: Since 1945 scientists have taken a leading role in speaking out against the growth of nuclear weapons stock-

piles. It is not hard to understand why scientists, both American and European scientists, developed nuclear weapons. During the Second World War there was too much evidence that Hitler was working toward the same end. I think that it would have been madness, the grossest irresponsibility, not to develop nuclear weapons before someone like Hitler did. On the other hand, we can also ask why not a single scientist quit the Manhattan Project—the atomic bomb-building project—after Germany surrendered and before it was dropped. The reason there was some inertia, some sense of "I have spent years of my life on this, I want to see it to completion."

McNee: Do you have any advice for Canadians who often feel resigned and yet highly vulnerable in the face of two rival superpowers with nuclear arsenals?

Segev: Canadians should encourage their government to improve vigorously on the superpowers the importance of reducing their strategic stockpiles. There are certainly 20 times more nuclear stockpiles than are needed for strategic deterrence. Certainly, it is true that the superpowers do not have to listen to every comment made by other nations, but a continuing din of complaints by a large number of nations could be quite effective. ☐

COLUMN

Visitors who spurn our cities

By Charles Gordon

Ottawa is terrible, Calgary's no hell, and Winnipeg is a wasteland. How do we know? Because writers tell us so. And why do they think that? Because they can't find a good restaurant.

People who live quite happily in places like Winnipeg, Calgary and Ottawa are always shocked to pick up a magazine or an out-of-town newspaper and find out how miserable their lives are. But that's the way it works. Cities don't get their reputations from the people who live in them but from the people who pass through.

People passing through are an expensive commodity. They are in tight places and live in hotels. They look at museums and monuments. After three days or so, they render their verdict in print: *lousy city*. That means inferior steel, grumpy taxi drivers, crowded nightclubs, museums closed on Mondays, no easy air-conditioning in hotel rooms.

That also means lost luggage at the airport, lineup for taxis, lineup at hotel check-in counter, unseasonably cold weather, raincoat left at home, room service coffee lukewarm, street outside under repair, local bank demands four pieces of identification before making change.

What of the city's people? Well, there isn't a lot of time to talk to many of them in three days. The expert passing through talks to his friends. He talks to taxi drivers, if they are not too grumpy. He watches the TV news on his hotel room. He reads the local paper. If there is good news in the paper, the city has a positive marketing. If there is major crime on the local news, the city is troubled. If there is no major crime on the local news, the city is sleepy.

A portrait emerges. You've read it. Ottawa is *Cosmo City*—gritty, but benign. Toronto is *Nationism* on the lake—a self-absorbed, growing sort of place, wishing it were New York. Winnipeg—nothing happens in Winnipeg. Calgary used to be *Grand City*, full of conspicuous consumption and glowering of tomorrow. Now Calgary is *Boulevard* or *Broken Down City*, where the booze is bad and economic executives litter the streets.

Tomorrow, on the other hand, is just fine—full of life and ethnic diversity, a jewel finely set between sea and mountains. Maritime cities are fine too. They

are not barren; they are quaint. They have traditions and quiet pride.

To understand why the coastal cities get a free ride at the hands of visiting writers, you need know only that visiting writers like seafood. Give a writer from Central Canada seafood, and you'll see a satisfied—and a life's yours forever.

When the negative story is written, the residents resent it. They don't recognize their city and they complain. The complaints are mostly about restaurants, but they aren't, really. The complaints reflect the fact that the residents are living in a different city than the one the visiting writers see.

The residents are set on expensive accounts. Except for the lazier fortunate among them, they don't live in hotels. No one would want to write about the hotels the least favorable live in. The residents who don't live in hotels live in neighborhoods. They don't take taxis.

'Ottawa is terrible, Calgary's no hell, and Winnipeg is a wasteland. How do we know? Writers tell us'

they take public transit or their cars. They may never have seen the major landmarks and they don't know where the good restaurants are. They want to see a few years ago for somebody's birthday, or was it anniversary? But it has changed ownership and is now a dry cleaner or a video rental place.

The people who live in the cities attacked by visiting writers are. They know much about the night life. They know one thing or another, they spend most of their time at home. They don't go downtown that much anymore. Parking costs too much, and the buses don't run frequently enough at night. Plus, the nightclubs are always changing. The country people spend last week in the junk shop now.

As for the landscape, the residents don't think about it much. They are used to the mountains, the ocean, the prairie. The landscape is something to live with. Their cars skip a bit going up the hills on a snowy day. The salt air makes their cars rust faster. That's about it.

What their city means to them is traffic, great space in their neighbor-

hoods, schools, parking, bus service, snow removal, things for children to do on a Sunday, places for teenagers to hang out. The residents think about stable television channels, sex time at the neighborhood rink, four-way stop signs. If the city doesn't have a vibrant and dynamic criminal world, that is okay with them.

The resident hardly ever goes out; the tourist does nothing but that's the main difference. So it is no wonder that visitors are different from residents of the city. They are seeing two different cities.

The visitor wants a city to be alive. The resident wants a city to be livable. The visitor wants the city to jump. The resident wants the city to mind its own business. If the city is too quiet for the visiting writers, that is just fine by the resident.

Toronto, Montreal, Vancouver, the big cities whose downtowns attract the visitor, are to a large extent inhabited by people who never see downtown. They live, and often work, 45 minutes away in the suburbs. If they work in that exciting downtown, they probably come to because it takes them too many hours an crowded expressways to get there and get back.

The visitor, if he is perceptive enough to rent a car, might experience the same feeling. But if he notices the traffic jams, he may not notice that thousands of people are avoiding them by taking the bus or the subway. The visitor knows if the restaurants are crowded but he may not know if the classrooms are.

The visitor doesn't know where the poor people live, doesn't know how the hospitals are, doesn't know if you can get from Point A to Point B on a bicycle. He knows the big downtown stores but doesn't know the little neighborhood ones. If he knows how the city looks in the rain, he doesn't know how it looks in the sun.

Cities are poor city isn't big enough for him. Citizens are your city lacks excitement, fine restaurants, amiable taxi drivers and colorful crooks. If that's the case, and there is no good reason to be found, you will be reading about it. Don't expect to enjoy the writing. Just remember that there is no way to avoid it. You can suffer the blow a bit by making sure the airport is in good shape.

Charles Gordon is a columnist for the Ottawa Citizen.

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The New Face of the Law

By John Hay

The appointment of Brian Dickson as chief justice of the Supreme Court of Canada last week was one of Prime Minister Trudeau's last official acts and could prove to be among the most enduring. Dickson takes charge of the court just as it is about to transform itself from a dusty and often remote institution known mainly to lawyers into a powerful body that could rival Parliament and the legislatures in the life of the country. The source of the court's revolutionary new power is the Charter of Rights and Freedoms, enacted by Queen Elizabeth II on a rainy April day in Ottawa two years ago. The first posturing court bouts of the Charter are only now reaching the Supreme Court and will result in judgments that will shape the nation's laws for years to come. "There is a new era with the Charter," Dickson told *Maclean's*. "I think it should be given life."

Chalkboard: Dickson has indicated that he is ready to meet the challenge. Said the chief justice after his appointment last week: "We are going to have a much more important function as an umpire between the state and the individual to make sure the individual's rights are protected." Dickson, 68 next month, succeeds the late Bora Laskin, who died March 28 after serving more than 13 years as chief justice. A judge in Manitoba before going to the Supreme Court in 1975, the 5'11" Dickson established himself as a cautiously liberal jurist, sensitive to individual rights but not inclined to challenge the legislators who make the laws. Moments after taking his oath of office last week at Government House, however, Dickson made it clear that the Charter has drastically altered the

powers he shares with his fellow judges. When there is a breach of the fundamental rights and freedoms under the Charter of Rights," he said, "we have been given the right, the duty and the responsibility to deal with it—and it is our duty to strike [the violation] down."

Dickson's promotion was virtually unanimous approval from judges and lawyers across the country who have admired his gentle courtesy and his clearly drafted judgments (page 18).

swearing-in he earned a name with an easy handle trimmed in silver, but his injury has not kept him idle. Each morning at 7 a.m. he rides his chestnut horse, a Morgan, alongside the Ottawa River, which flows beside his stone farmhouse. Said his son Brian Dickson Jr., legal affairs counsel at the Canadian Embassy in Washington: "It can be the coldest, bluest, darkest day and he'll still be out on his horse."

Back in Winnipeg after the war, married to the daughter of a wealthy local family, Barbara Sellers, Dickson immersed himself into what became a prosperous law practice. Said Winnipeg lawyer David Matus: "He almost approached perfection in his work in such a way that it almost showed boredom."

Marshall: A Dickson law partner from those years, John Lawson, agreed that Dickson was "very industrious, almost a workaholic." Added Lawson: "He is more sound than brilliant. I believe that that is a higher quality in a judge than brilliance. I am not saying he is not intelligent, but he gives the impression of being stable and quite conservative." Several precedents, a former chief justice of Manitoba who served with Dickson on the provincial Court of Appeal, said: "One could not want a better judicial colleague. He worked hard. He made good judgments. He wrote in a felicitous style with great clarity. There aren't many Brian Dicksons around. I think the Prime Minister made the best choice."

Dickson's laconic writing set him apart from the sometimes opaque stylists on the bench, often making even his dissenting arguments more memorable than the majority opinions that carry the day. In a 1982 pre-Charter judgment, writing this time for the ma-



Dickson with wife, Barbara, riding High Hope at Marshwood (right)



jectory, Dickson wrote a compelling judgment that permitted public access to search warrants after police complete their raids—and to the information police must offer to a justice of the peace in order to obtain a warrant. Because warrants must be issued in secret, Dickson wrote, the process is open to abuse by the authorities, and "publicity is a strong deterrent." If no criminal evidence is found in the search, however, the warrant and backup information must be kept secret. Added Dickson: "The public right to know must yield to the protection of the innocent." Concluded Toronto criminal lawyer

The part of chief justice is one of the few appointments that rests entirely in the hands of the Prime Minister of the day, and there is no evidence that Trudeau had the slightest hesitation in naming Dickson. Trudeau went through the motions of obtaining cabinet approval for the appointment, but before his offer made the announcement last week, but stresses only that the cabinet discussion was perfunctory. The swearing-in ceremony took place the next morning.

PHOTO: Trudeau's obvious alternative to Dickson was Roland Rivlin, the senior judge with nearly 35 years on the court, and Jack Beetz, the senior francophone justice. But Ritchie had

University of Ottawa. Chief Justice Dickson is a very popular man everywhere, including Quebec. He has made a great effort to become a bilingual judge and became acquainted with Quebec law.

Basically what inference Dickson will have on the bench is that he will be left to himself. Armed only with the force of his own will and intellect, a chief justice can influence the direction his brethren (and sister) choose to take on the issues before them. But he cannot dictate their decisions. Dalhousie University law professor Wayne MacKay, a former law clerk for Laskin, and that chief's impact is subtle. "All the judges are fiercely independent. . . . There is no doubt, however, that the chief justice's opinions carry added weight." Nobody is advertised in to the justices' conferences on issues. "There is collaboration," MacKay says, "but law is not a one-man show."

Because each justice is free to support the judgment of others or to dissent, the future course of the Dickson court will depend on the particular outlooks his colleagues bring to the bench. With one exception left to go, Dickson is working with seven strong personalities.

Efficient: 73, had never been a judge before John Diefenbaker recruited him from a Halifax law practice and named him to the Supreme Court in 1969. The brother of diplomat-chief Charles Ritchie, he carried no reputation as a conservative jurist in civil liberties cases and was inclined to side with the provinces in their disputes with Ottawa. He presided graciously over several cases this winter during the first weeks of Laskin's illness.

Beetz: is a constitutional lawyer and longtime friend of Trudeau, with whom he taught law at the University of Montreal. In 1968 Beetz became a constitutional adviser to Trudeau, who appointed him to the Quebec Court of Appeal in 1970. He served in the Supreme Court in 1974. He is a soft-spoken, courteous gentleman from the bench. But he is methodically slow and has written only a few judgments of his own. He suffered a heart attack two years ago and was removed to be sympathetic about taking on the administrative and management burdens of chief justice.

Wilfred Elphinstone Ritchie, 84, known to his friends as Bill, was born in Saskatchewan but moved to Toronto and first joined the bench on the Ontario Court of Appeal in 1975. He rose to become chief justice of the Ontario high court and chief justice of Ontario. Described by friends and colleagues as pragmatic, unblinded and energetic, Ritchie was said to have consented only reluctantly to Trudeau's personal invitation to leave Toronto for the distinguished life of a Supreme Court justice in 1971.

Chief Justice McIntyre, 66, came to the Supreme Court in 1979 from the British Columbia Court of Appeal and is considered a moderate liberal. In a recent

prime court case from the Quebec Appeal Court in 1980 and retained its young member. He is sometimes described as a "law-and-order judge," but he has broad experience as a lawyer, teacher and chairman of the federal Law Reform Commission.

Marion Wilson, 60, became the first woman on the Supreme Court when she was appointed in 1982. A sister of Ritchie who emigrated with her husband, John, to Canada in 1949 and only then studied law, she is an accomplished legal scholar who proved to be an innovative and sensitive judge on the Ontario Court of Appeal. Her appointment to the Supreme Court bore special significance because that same court had ruled

national judges radically new authority to overturn unfair laws and redress the misbehaviour of police and public officials. As the court of last resort, the place in which precedents are set, it will be up to the Supreme Court to determine what the Charter means in the years ahead.

CHARTER: Lower courts across the land have already made judgments on more than 1,000 significant Charter-based cases, covering issues ranging from the right of an accused person to legal aid and Parliament's power to keep shops closed on Sunday to the right of Quebec anglophones to have their own public school system. By the time the Charter reached its second anniversary



Trudeau (left), Glen Gordon, Edward Schreyer, Barbara Dickson, Dickson at swearing-in ceremony

Morris Manning: "I think by far Dickson is the best writer on the court."

Some lawyers, however, expect Dickson to make only restricted use of the court's powers under the Charter. Patrick Monahan, a law professor at Toronto's Osgoode Hall who served Dickson as a law clerk in 1980-81, predicted that the new chief "will not assume a very activist stand. He has a restrained attitude toward the Charter." It is less easy to foresee whether Dickson will dominate the court as Laskin seemed to try to do—but after failed Dickson might well be more successful in quietly building a consensus around his views. Dickson himself said last week that Supreme Court judges are proudly independent. "The chief justice may preside at discussions but he doesn't dominate."

only 14 months left until he reached the retirement age of 75, and it is understood that he did not expect the appointment. The promotion of Beetz, 57, would have continued the postwar pattern of alternating French- and English-speaking chiefs of the court. But lawyers close to the court concluded that Beetz did not want the job. Whether or not Trudeau ever offered Beetz the promotion is a secret. In any case, the shrewdness was a recent and possibly accidental theme. Among the eight chiefs who served between 1825 and 1944 only one, Sir Henry Brouncker, was a francophone, while three of the seven chiefs since 1944 have been francophones. Dickson's English background does not appear to have angered Quebec lawyers. Said Gerald Beaudin, a professor of constitutional law at the



Members of the Laskin court at December's speech from the throne: judges' power has been drastically altered

judges' McIntyre wrote the majority opinion overturning a 39-year-old Supreme Court rule that proof of recklessness was enough to win a conviction for attempted murder. He and six other justices decided instead that intent to kill must be proved in order to secure a conviction.

Julius Chouinard, 55 (like Beetz, a Quebecer), was a deputy minister of justice and secretary to the cabinet in Quebec and taught law before going to the Quebec Court of Appeal in 1975. He ran unsuccessfully for a Commonsense seat in 1968 as a Conservative and was one of the few political appointments. Joe Clark's government led him to make during his term in 1979. Accused and acquitted in a hearing, he is firmly on the right wing of the court.

Atlantic Lamer, 50, went to the Su-

premise that women were not legally persons at all—a judgment quickly reversed by the Privy Council in London.

Parliament established the Supreme Court of Canada in 1875, and for most of the years since then the position have labored in comparative obscurity (page 21). They settled some crucial conflicts between federal and provincial governments who were jostling for jurisdiction and they referred disputes, usually about money, between individuals. But their quiet work rarely drew public attention or afforded the province laws of most people. Two years ago, however, the enactment of the Charter of Rights and Freedoms carried the court from its historical political backwater into the mainstream of Canadian public life. The Charter, with its guarantees of legal and language rights, has given Ca-

last week, about 30 cases had reached the Supreme Court for final resolution. Six of those have already been heard, and the first Supreme Court judgments on the Charter could emerge this spring. Thousands more cases are already on the docket of lower courts across the country.

The court has already heard a representative sampling of Charter cases. In one the Winnipeg solicitors firm James Richardson and Sons Ltd. cited the Charter provisions against unreasonable search and seizure to oppose Berman Canada's attempt to search the company's files for information about its clients. In a similar argument Southern Inc. disputed the right of federal cabinet ministers to search the offices of the Montreal-based *Le Devoir* Journal. In the Alberta courts



Estey, second, in a spate of Charter cases places an unprecedented burden on the courts.

COVER

the Big M Drug Mart contended that the federal Lord's Day Act—the Sunday closing law—violated the freedom of religion enshrined in the Charter. In February the court heard two days of arguments on the attempt by a coalition of peace groups and others to stop release from outlawing events outside towns without parliamentary approval. The court has already heard the Quebec case testing the province's language law (R11 180) and on June 31 it will begin hearing two cases to determine the status of the French language in Manitoba.

Beliefs and rights: Other landmark cases are waiting on the docket. The case of Paul Therens, for one, will help determine under what conditions a judge should disallow evidence on grounds that it was improperly obtained. Therens, of Moose Jaw, Sask., failed a breath test after being taken to a police station. But the provincial Court of Appeal decided that the test result should not be used because the police did not advise Therens of his right to counsel first. Rago informed of the right to counsel was one of the key new legal safeguards contained in the Charter.

Other impending cases will test the legitimacy of the so-called *Steyn* clause provisions of the federal *Statutory Control Act*. That controversial statute states that once the proscribe in a trial has proven that a person had a banned drug in his possession, the case

falls on the defendant to prove that he did not acquire it for the purpose of trafficking. The Crown is appealing several lower-court rulings that reverse some because the Charter right to be presumed innocent still proves guilty. Among the growing number of Charter cases outside the criminal law, two that are now advancing through the lower courts will help decide whether the Charter-based concept of freedom of association will give muscle to unions' power to organize, bargain and

and level some scores of laws will have to be changed.

The explosion of Charter cases has imposed an unprecedented burden on courts across the country. But whether or not that trend will persist is still uncertain. Justice Estey suggested in a speech last spring that the Supreme Court might have to refuse to hear any appeals that do not involve either the Charter or federal-provincial relations. That would make the provincial Courts of Appeal the last resort for all other

strikes in separate cases. Federal public servants and their counterparts in Ontario are fighting measures by Parliament and the provincial legislature to restrict collective bargaining. The unions argue that the anti-inflation programs of both governments violate their freedom to associate and bargain for their members.

Burdens: A whole new crop of Charter cases will emerge in 1986 when the Charter's so-called equality clauses take effect. The protection against discrimination—by race, national or ethnic origin, color, religion, sex, age and mental or physical disability—was postponed three years from the enactment of the Charter to give federal and provincial governments time to amend discriminatory laws and regulations. At the end of some scores of laws will have to be changed.

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Supreme Court: the Charter has given Canadian judges radical new authority.



The lucid opinions of Brian Dickson

Chief Justice Brian Dickson is one of the most eloquent justices ever to sit on the Supreme Court of Canada. And his lucid and eloquent written judgments are the clearest indication of the new chief justice's thinking on law—the use of nine notes—he may approach upcoming cases. An examination of his judgments reveals that unlike his predecessor, Bora Laskin, he regularly sided with the

minority and restricting his dissent for 35 days. Martineau charged that neither he nor his legal representative was present when the board heard evidence about his offences. Wrote Dickson: "Is this case the Disciplinary Board was not under either an express or an implied duty to follow a judicial type of procedure, but it was required to find facts affecting a subject and to exercise a form of discretion in pronouncing judg-

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Dickson: "He has exhibited on the bench an equanimity for the little man."

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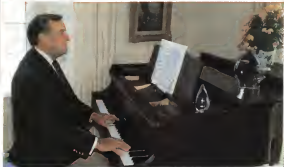
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Dickson relaxing at home: the judicial appointments system has remained virtually unchanged since Confederation

COVER

cases. But Justice Lamer, on the other hand, predicted recently that the flow of Charter cases will subside after the court settles the first ones. Each decision, Lamer said, will tend to answer constitutional questions that the Supreme Court will not have to deal with again. In the meantime, the number of Charter cases coming to court is limited only by the agency of lawyers in finding new ways to read the Charter's 31 clauses.

Volume: The flood of Charter cases into the courts at all levels makes the appointment of a ninth Supreme Court justice to fill the Justice vacancy an urgent matter. Justice Minister Mark MacLachlan, responsible for recommending a nominee to cabinet, said after Dickson's retirement that he will begin the recruitment process immediately. There is only one legal qualification for a Supreme Court justice: 30 years' experience as a lawyer. The Supreme Court Act also stipulates that three of the nine judges come from Quebec's civil law system. By tradition, the prime minister chooses the West two and the Atlantic region one. That means that the next member of the high court will likely come from Ontario.

If MacLachlan follows the usual course, he will consult prominent lawyers, judges and perhaps a provincial attorney general. And he will probably select names to selected members of the Canadian Bar Association's (CBA)

Judicial appointments committee, which routinely gives its opinion on the qualifications of potential judges submitted by the federal justice minister.

Among the possible appointees, Charles Dubin and Walter Tarnopolsky of the Ontario Court of Appeal and Denis Le Dain of the Federal Court of Appeal. Dubin is a highly respected veteran judge of the Ontario bench. Tarnopolsky was a leading expert on civil rights law as a teacher at the University of Ottawa before going to the bench last year. He then headed an inquiry into the nonmedical use of drugs a decade ago which recommended the decriminalization of marijuana.

Discontent: The legal profession, however, is showing signs of restive discontent with the existing system of appointing federal judges, which now number about 700. In Saskatchewan, for instance, the process has broken down completely in a dispute between the federal government, which appoints judges, and the Conservative provincial government, which pays for the operation of the courts. Provincial Attorney General Gary Leach, angry at not being consulted by Ottawa on appointments in Saskatchewan, threatened by announcing that he would eliminate funds for judicial positions as they become vacant rather than use the federal government bill them.

Critics insist that their national screening system works relatively well, although the minister is under no legal compulsion to accept the CBA's recom-

mendations. In the main we have pretty good judges. They work hard, they are conscientious, and inadequate performance is quite rare." The new chief justice, for his part, said in an interview that he thinks the nation will need a larger experience with the Charter to prove whether the old appointments system still serves well. For now, he says, "I think it is working well." And he rejected any adoption of the U.S. system of legislative examination of judicial nominees. "It would disadvantage the best people. I see no nothing to recommend it." True so, said McKeen, lawyers in most provinces occasionally complain about the quality of appointments and sometimes look the politics of judicial appointments. The CBA is expected enough to have set up a special committee to examine the whole judicial appointments system, which has remained virtually unchanged since Confederation. Indeed, even as one crucial appointment is made and another anticipated, both the provinces and the public might benefit from a fresh look at the recruitment of judges. With judges exercising the vital powers now provided by the Charter, the quality of their judgment matters more than ever before.

With Dan Dupuis in Halifax, Dale Fisher in Regina, Bruce Laidlaw in Vancouver, David Mikoyan in Winnipeg, Bruce Wallace in Montreal and Patricia (Holly) Jane Rogers and Ann Whelan in Toronto.

The evolving power of the court

For the first 75 years of its existence, the Supreme Court of Canada was a body in search of a mandate. All substantial Canadian disputes of principle went to England for final arbitration before the Judicial Committee of the Privy Council. Over the years remote lords decreed that the Dominion of Canada's laws were valid, that Ottawa had no right to set a specific limit on the profits of Ottawa shipping stores and that broadcasting was a federal responsibility. Finally, in 1949 an amendment to the Supreme Court Act made nine Ottawa judges the final court of appeal for all Canadian legal matters. In the next decade increasingly contentious constitutional issues occupied more of the court's docket, and the Supreme Court started to make decisions on matters affecting everything from the structure of family life to the boundaries of free expression. Only then did Canadians truly begin to appreciate the court's role.

Adoption: From the time that an act of the Canadian Parliament crossed the court in 1875 to 1982, however, the Supreme Court was most often the arbiter of civil cases dealing with compensation for injuries, taxation appeals and the settlement of bad debts. According to a survey by University of Toronto political scientist Peter Russell, 30 per cent of the court's caseload during that period related to accidents, contracts and property, and only four per cent dealt with the kind of constitutional issues upon which the court now regularly rules. Said Russell: "In contrast, since the Charter of Rights I would wager the court's constitutional caseload is up to about 35 per cent. That is an important shift in emphasis." That shift will be clearly evident in the new future.

The court's march into explicit action really began in the 1930s. In 1936, with Liberal Prime Minister Mackenzie King in power, the court found that large sections of the New Deal program initiated by his Conservative predecessor, R.B. Bennett, were unconstitutional. Then, in 1958, the court overturned a series of statutes of William Abernethy's Social Credit government in Alberta because they denied civil liberties. In the 1960s the court made some landmark judgments against the Duplessis government of Quebec that upheld civil liberties. The 1982 Revolution came laid out for the first time a strict definition of self-rule, putting an end to at least 20 years of periodic cross-country police repression against Canadian radicals. In the 1983 Summer case the court decided that a Quebec City bylaw would

not prevent a Jehovah's Witness from distributing literature, guaranteeing the Witnesses the first religious freedom they had known in the province. In 1979, for the first time, the court struck down a federal statute and ruled in the *Dryden* case that Prime Minister John Diefenbaker's controversial 1960 Bill of Rights superseded the Indian Act. In 1975 the court also upheld Ottawa's right to impose the Anti-Inflation Act.

In more years the court has ruled on significant matters relating to legal and

social issues, which took on active role in desegregation of the United States in the 1950s and 1960s, and in the 1963 *Miranda* case that institutionalized the reading of rights to U.S. citizens upon arrest, has had an influence on Canadian legislation.

Power: Said James Stoll, a University of Guelph Canadian history professor now working on a history of the Canadian court: "There is no doubt that the high profile of the Warren report in the United States did influence us in terms of what we expect from the court."



Recent Charter-related cases continue to increase the court's power dramatically

civil rights. In the past 15 years it has decided that:

- bugging is not "cross and unusual punishment";
- where minimal rights belong to Ottawa;
- the provinces are free to censor entertainment;
- Quebec's ban on the use of English in the courts was unconstitutional.

Some critics fear that these decisions have led to "Americanization" of the Canadian court. In Canada, as in Britain, the courts are held to interpreting laws created by Parliament, while the American system allows the courts to create and equal status and a more influential role in the shaping of the law. The court of the late U.S. Chief Justice

Warren, which took on active role in desegregation of the United States in the 1950s and 1960s, and in the 1963 *Miranda* case that institutionalized the reading of rights to U.S. citizens upon arrest, has had an influence on Canadian legislation.

The court, now headed by Brian Dickson, from a potentially divisive set of Charter-related cases that, if the court opts for liberal interpretations, could increase its power dramatically. Even if Dickson's court adopts a conservative tack, the court will assert retreat to its once minor role. And the U.S. to the rescue! "They are at the forefront of the process now. There is no going back."

—PAUL MCGRAW, with Anne Armstrong

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Struggling to capture the uncommitted

There were hints of subtle subterranean shifts in position last week among the candidates for the Liberal party leadership, but no clear evidence that any of the principal contenders had taken over John Turner's lead. As the seven-week-old campaign headed into its final full, most of the candidates were supposed to concede that the former Liberal finance minister is still in front—even though many observers rated his performance as disappointing. After twice creating controversies with his statements on language issues in the early stages of the campaign, Turner last week swung through the Atlantic provinces, delivering relatively stilted speeches and appearing to be as the defensive when reporters questioned him.

At the same time, Turner's principal rival, Energy Minister Jean Chrétien, has won an enthusiastic public response in nearly all parts of the country. But that reaction will not necessarily produce votes at the June leadership convention, and last week Chrétien apparently monitored the outcome of the first delegate-selection meetings. Liberals in the 282 federal ridings have until May 10 to choose most of the 3,500 delegates who will elect the new Liberal leader. So far, Turner has the most committed delegates. But the large number of uncommitted ones who will go to the Ottawa convention added a tantalizing ambiguity to the still-uncertain contest.

One of the key unknowns in the leadership equation is whether Chrétien's personal appeal will overcome some delegates' doubts about his intellectual depth. Last week three more federal members—Minister of Justice, Minister David Colquhoun, Environment Minister Charles Cunniff and Revenue Minister Pierre Rasmussen—

joined the Chrétien camp. But according to The Toronto Star, one out of 28 delegates chosen in eight Toronto-area ridings, 25 backed Turner, 11 supported Employment Minister John Roberts, a Toronto-area, while only six backed Chrétien. One supporter, Justice Minister Michael MacGuigan, and 25 others were uncommitted or undecided.

Reports from Chrétien's victory in Quebec were only slightly less

disappointing. An informal



Whelan and Chrétien: Is capturing ambiguity in an uncommitted campaign

Canadian Press survey showed that with results in from 26 of Quebec's 75 ridings, 51 delegates will vote for Turner—compared to 55 committed to Chrétien. The survey also listed a total of 67 delegates as weakly committed or uncommitted. Typically, party delegates Anne Turley from Montreal's Mount Royal riding told a reporter, "I am leaning toward Chrétien but I would like to go to the convention, hear everyone, analyze them and make my final decision there."

According to leadership strategists, that kind of ambivalence is widespread among Liberals, and while it cannot appraise the Chrétien and Turner camps, the three leadership contenders

who are struggling for

third place welcomed at

Roberts' Quebec voter

Roberts' Quebec voter

Roberts' Quebec voter

Roberts' Quebec voter

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Roberts' Quebec voter

also in Montreal, added, "There is a very large group of undecided in the delegates chosen and that is the group I will be going after." John Roberts and MacGuigan, Johnston has put forward some controversial proposals, including his suggestion that many social programs should be folded into a form of guaranteed annual income (page 34). But the strategists in rival camps contend that Johnston's issue-oriented approach could lose votes. And Chrétien's Ontario campaign adviser, Patrick LaSalle, "Johnston has been talking policy but he has not been giving up votes. The lesson is that you do not win anything by being too specific."

Meanwhile, Agriculture Minister Rogée Whelan and Indian Affairs Minister John Manors are nursing far behind the others. They were joined last week by two university students, Owen Oxtawa and Montreal, respectively, who announced plans to run. The campaign to draft Liberal party president Jean Campagna is continuing, with her supporters claiming that a national poll shows she is preferred by 36 per cent of those surveyed. Supporters of some of the other candidates questioned the poll's accuracy, but to some Liberals it was a further indication—along with the number of undecided delegates—of a lingering division of opinion with the current group of leadership contenders.

—SUSAN BLATT, with Carol Grier and John Hay in Ottawa



Roberts' Quebec voter

Johnston's call for social welfare reform

Federal Economic Development Minister Donald Johnston says he is determined to make **Pierre Trudeau** as Prime Minister and he says he hopes to be a compromise choice for Liberal leader if there is a stalemate at the Liberal convention in June. In the first of a series of Maclean's interviews with the leadership candidates, the former Montreal lawyer discussed his campaign—and his views on current issues—with the magazine's senior editors.

Maclean's: What makes you think that you are the Liberal leadership? **Johnston:** At the moment we are well placed to win it. Certainly we are understood, but the issue is going to be how the dynamics of the race evolve. There are two front-runners, and they were front-runners before the race even started. In my own opinion of Quebec Jean Charest has been campaigning for several years. In John Turner's case, he came into the race as the perceived winner, not only in the campaign but in the election as well. In both these cases the support is rather soft, and I think that it can shift. It depends on what responses during the contest, how the public perceives the candidates, who can offer the best program and who can best deliver it.

Maclean's: Are you trying to emerge as everybody's second choice at the conclusion of the first or second ballots are not desired?

Johnston: Our strategy is to try to be solidly in third place, close enough to be able to grow. So far, I do not think that we are doing so badly and I hope that would improve as time goes on. The who knows in this kind of business, but are we out there or are we away from being ourselves in a swamp.

Maclean's: What is the major issue before the country today?

Johnston: I think that the major issue perceived by the people is their own daily lives in the issue of jobs and the economy. I suppose behind that is the feeling of inflation and high interest rates again.

Maclean's: What would you do to reduce unemployment?

Johnston: I would not go back upon issues of direct job creation programs which I think are expensive and which I think take funds away from permanent job creation in the private sector. I am talking about the kind of things we did during the recession. But we are out of the recession now. It is time to build on the strong economic recovery and create long-term, permanent jobs. So increased government employment

of any kind is not of the question. Small businesses have been the major generator of jobs in recent years. We need policies to stimulate that sector, and that means having a supply of trained people with an entrepreneurial attitude, capital and access to technologies.

Maclean's: Do you favor maintaining



Johnston, no more baby bonus

interest rates at their current high levels?

Johnston: I know what [Bank of Canada governor] Gerald Bouey's thinking is. I have agreed with it in the past and I don't see any reason to depart from it now. We are [increasing] interest rates essentially to restrict capital outflows and support the dollar. In Bouey's judgment interest rates are going to go up further by letting the dollar fall [freely], and inflation is going to be higher.

Maclean's: Would you eliminate universal child benefits for social welfare programs?

Johnston: My thinking has been that we should certainly maintain universality

in terms of measure. I would like to see it extended to education in all respects, as well as during my public life so that nobody is restricted by economic or social circumstances from getting a complete education. I would leave the system supporting the elderly intact. But with respect to the balance of social welfare payments representing in excess of \$30 billion federally and provincially, including child deductions, that is where I would see the restructuring taking place. It would be on a universal basis except that the entitlement would fluctuate with income.

Maclean's: Would you eliminate the baby bonus?

Johnston: Well, yes, the baby bonus, the Canada assistance payments, the unemployment insurance, the child deduction, everything that is in that category—special employment programs, all the direct community development programs, the whole bit. I would roll everything into one program, but this would require provincial co-operation. But eventually would define with income [test]. I do not have a precise formula for that yet.

Maclean's: What would the savings be?

Johnston: The savings would be in reducing bureaucratic overhead and complexity.

Maclean's: Or in terms of dollars?

Johnston: I cannot make an estimate.

Maclean's: Is this change possible today?

Johnston: One of the reasons I would be able to do it today is that we now have continuing unemployment at high levels. We cannot grant an another program to take care of people who fall out of the ranks because the system is simply not there. We have to restructure the program. What better time to do it than now? We have a \$30-billion deficit, there are people not being taken care of, and we will have structural unemployment for some years.

Maclean's: Do you think Ontario should become officially bilingual?

Johnston: I think it would be very helpful. Let me make one point as an English-speaking Quebecer. Some people fail to realize that René Lévesque and the Parti Québécois would like nothing better than to see Canada in English and Quebec in French and that in the reality of the country. Now if that ever becomes a reality, then I think the country is finished in terms of keeping Quebec in Confederation. Because if we have a bilingual Quebec and an English-speaking Quebec, we have the full separation, and the next step is an easy one for the Parti Québécois and the separatists.



Anderson (left), Peterson and Lee: test of agility, a flexibility with power, and sometimes a measure of opportunism

Other voices, other rooms

By Carol Goss

He arrived almost an hour late for lunch, sat into his chair and ordered a martini. Richard Anderson is living as Richard Chen, taken out of his seat and he looked pale after too many 30-hour days in an exhausted downtown office building filled with computers, telephones and Stenoform coffee cups. But the aggressive young consultant who is running Economic Development Minister Donald Johnston's campaign for the Liberal leadership says that he loses every minute of it. "Politics," Anderson declared last week, "is an addiction I wouldn't want to be doing anything else."

The fascination of the struggle for political power is a key motivation for the thousands of new and veteran who make up the organization backing the major contenders for the Liberal leadership. For Anderson, who scarcely knew Johnston before the campaign began, the excitement lies as much in shaping new ideas as in making a new man. For when the love of the back room is mixed with a deep loyalty to the candidate, a sense of duty and—in some cases—a measure of opportunism. One veteran strategist, Bill Lee, who ran Paul Hellyer's bid for the leadership in 1968, tried to join the campaign but he was eventually turned up as John Turner's director of campaign operations. Lee admitted last week that he originally "had no thought of joining this campaign," but he agreed to play a

role after the Turner campaign faltered in the initial stages. "When John asked me," said Lee, "I felt I had to."

Turner insiders admit that the campaign was stumbling badly until Lee stepped in on April 1. Until then the campaign had been the victim of committee decision-making at its worst. Every morning the Turner campaign's national director, Heather Patterson, chief organizer John Smith, Turner's old friend, Montreal consultant John Dick, Payne, and the ex-communications western adviser, Robert Foulkes of Calgary, former vice-president of Petro-Canada, would meet to plan the campaign. But they rarely reached any decisions.

By mid-April, when Lee returned after a Florida vacation, it was clear that a series of chronic indecision was hurting the Turner campaign. No one had sent letters out to key Liberal party members asking for support. News wires, no one had figured out where to put the hundreds of eager volunteers who had been phoning to offer their services to the Turner campaign. Anderson saw Turner side. "People felt they were being brushed off, but it was simply that we were so disorganized that nothing was happening."

Then the committee approached Lee, who took charge and ended the paralysis. Now, said one campaign worker, "Things are sorting themselves out." In spite of what he calls the "hierarchy" of the campaign, Lee insists that Turner is doing well in attracting delegates

support. But the faltering start to the Turner campaign has left bruised egos and lingering organizational headaches.

By contrast, Energy Minister Jean Chretien's campaign took off smoothly and swiftly. The main change from the start has been John Rae, a vice-president of Power Corp. of Canada, who went to work as a ministerial aide to Chretien in 1987 and who could not resist a call from his old boss to return to action.

Like Rae, virtually every member of Chretien's efficient and tightly knit inner circle is joined by links of friendship or loyalty. Chretien's Ontario adviser, businessman Patrick Lavell, has known the minister since the early 1960s, when the candidate was a young Quebec back-bencher struggling to learn English. Chretien's most trusted personal adviser is lawyer Edward Goldring. Other members of the Chretien team are newsmen, including Brian Smith, who last week left his job as Pierre Trudeau's senior press secretary to become Chretien's on-the-road media adviser.

Friendship is also the foundation on which Justice Minister Mark MacGuigan has built his organization. His close Ottawa confidant, Jim McDonald, a friend and an adviser of several years' standing, to act as his campaign manager. McDonald, who plans MacGuigan's schedule, writes some of his speeches and often holds inquiries to find out how MacGuigan could have performed better, possibly has more influence on his candidate than any other single backroom operator. Although MacGuigan has a staff of 50 at

disappointed Ottawa headquarters, it is clearly McDonald, who embodies both the spirit and the impetus of the MacGowan leadership drive.

Donald Johnston was more detached. In his campaign team selection Johnston interviewed some of the brightest young lobbyists in Ottawa before asking Richard Anderson, a management consultant and former Liberal party youth co-ordinator, to run his campaign. The president of the leadership campaign managers, Anderson, 28, has stamped himself in politics all his life and he clearly relishes debating political theory late into the night.

Employment Minister John Roberts has divided the chief backroom battles between an anglophone—marketing consultant, Michael Roman of Colgate, north of Toronto—and a francophone, Orlin Gosselin, a Montreal civil engineer. Roman, who has known Roberts for 16 years, admits that he was determined to be involved in the leadership race. "and it probably would not have mattered if it was John Roberts or someone else."

Northern Affairs Minister John Munro turned to a home-town lawyer from Hamilton to run his campaign. Wally Zimmerman, a past president of the Ontario Liberal party, first started knocking on doors for Munro in the early 1960s when he was a student at McMaster University. Another key figure in Munro's campaign is Jack Price, a Toronto public relations consultant who has been a close friend of Munro's for more than two decades.

Agriculture Minister Eugene Whelan appears to be unique among the leadership candidates in having almost no campaign organization. Last week Whelan suggested Gregory Ashby, an Ottawa writer and restaurant cost-manager, as his campaign manager, but had yet to set up his campaign headquarters. When he entered the leadership race earlier in April, Whelan said that he was a university student dropout, Terry and Cindy, would do much of his organizational work.

For most of the leadership campaign workers, the rewards are small. A select few are destined for powerful roles in the winner's entourage. But the majority will simply go back to their jobs and families when the campaign is over. Said one top-level Turner aide: "I have a small family, but I will sacrifice all the hours it takes and never feel like a martyr." Perhaps that is because she and her counterparts in the other campaign organizations know that during the next eight weeks they are going to experience the most political exhilaration and fun—that the Liberals have had in 35 years.

With John May in Ottawa.

Fighting for advertising rights

Political parties' right to restrict advertising during federal election campaigns is undergoing its first political challenge in a Calgary courtroom. Last week the National Citizens' Coalition (NCC) argued that forbidden legislative changes will muzzle free speech in Canada. The NCC claims 20,000 members across the country and it has regularly attacked federal policies in the past, notably the 1979 decision to admit 60,000 Vietnamese refugees into Canada without debate in Parliament. But the coalition's outside agenda is the

all three federal parties unanimously approved the act.

New the Conservatives want changes that will protect individual rights to speak out during an election while still restricting influential lobbying groups. But the federal government contends that the current law now places all contestants on an equal footing. It argues that a candidate who allows a group or individual to advertise as his behalf—or against him—must then include the costs of these ads in his election expenses. Lawyer Patrick McQuay, who is representing federal Justice Minister Mark MacGowan, plans to call as many as 15 witnesses against the NCC claim that the new law violates the Charter of Rights and Freedoms. "There is no bar on speaking out," MacGowan told Judge Donald McDonald of the Alberta Court of Queen's Bench. "The bar is on spending money to invest opposition or support [of a candidate or party]."

But Alan Haxby, who is representing the NCC in court, was quick to disagree, saying: "The issue, it seems, is shall we have bureaucracy or shall we have democracy? There is not a more important period in the history of this country than the period [and now] the parties in Parliament, in their collective wisdom, have decided that we should hear only their side of the story."

Among the first witnesses for the government side was Arthur Smith, a former Tory MP, from 1957 to 1963, from Calgary. During the 1960s Smith studied U.S. election patterns as a member of the NCC's executive committee and concluded that spending limits were needed on special interest election advertising. At a time when strategists can package politicians like soap, a spending ceiling on advertising was vital, Smith declared.

Outside the courtroom NCC president Colin Brown said that U.S. spending groups can destroy individual politicians. "They can be ruthless in their efforts, they can slaughter a senator," he said, but pledged that his organization would not attack individuals. Brown, a former insurance agent from London, Ont., said he would defy the Elections Act, even if it means going to jail. "But," he added, "I have faith in Canada as a country and I know that Canadians will never stand for this [law]."

—GORDON LITTLE in Calgary



Macdonald the report was largely a rehash of recurring and familiar issues

A \$10-million shopping list

By Ross Laver

Finance Minister Mary Lalande printed it as a worthwhile investment of taxpayers' dollars. But to most opposition politicians and many economists it was little more than an expensive waste of time and money. Last week, after 17 months and \$10 million worth of research and public hearings, the Royal Commission on the Economic Union and Development Prospects for Canada released a slim, 76-page interim report that was long on vague references to the country's myriad economic ills but short on proposed solutions.

Even so, some conservative chairman Donald MacDonald conceded that the document was largely "a re-statement of most of the issues already discussed in the past." But MacDonald defended the commission's program as a necessary first stage in charting the nation's economic course. And he declared that the next phase, beginning with a second round of public hearings in May and June, will examine economic policy in detail and provide concrete recommendations.

A former Liberal finance minister in Pierre Trudeau's government, MacDonald was not surprised by the critical reaction to the report. But since its creation, during the depths of the recession in November, 1982, controversy has dogged the 13-member inquiry. First, critics questioned the need for a commission and they charged that Ottawa was simply trying to evade responsibility for the weakness of the economy. Then, MacDonald faced a storm of criticism over his \$800-a-day salary and his

suggestion that he might leave the position before the commission's work was done in order to run for the Liberal leadership. (On March 2 he announced that he would not be a contender.) Observers also charged that the formidable scope of the inquiry's mandate—in assessing Canada's economic potential, recommending national policies to achieve long-term growth and steady jobs in competing industries among governments, business and labor—was so sweeping and so abstract that nothing the commission produced could be of practical value.

Last week's report contributed little that was new to the country's economic debate. Its main purpose, MacDonald said, was "to narrow down the subject somewhat" so that public discussion in the second round of hearings will not be as poorly focused as it was in the first. To that end, the report set out eight major challenges facing the Canadian economy and 60 possible ways of confronting them. The issues for debate included a guaranteed annual income, more emphasis on scientific and technical training and a voluntary "social contract" among various sectors of the economy to foster harmony and finish wage and price increases.

Surprisingly, two topics badly debated by most economists—high interest rates and the growth of the federal deficit—were mentioned by the report only in passing. Explained MacDonald: "Interestingly enough, interest-rate policy and the Bank of Canada were only touched on peripherally in our hearings." As for the deficit, MacDonald said that the report was not intended to launch new ground, the critical response was swift and unambiguous. The New Democratic Party's Finance Minister, Lloyd Stinson, said the inquiry should disband or finish its work in the next few months. For his part, Tory industry critic Michael Wilson said that Canada's 1.5 million unemployed were entitled to more than just a shopping list of options. And John Bolck, president of the Canadian Federation of Independent Business, was even more scathing, describing the report as a "bucket of mush." Full of metaphorical phrases designed to appease voters in advance of the next federal election.

Among economists, a common complaint was that MacDonald and his colleagues still seem unsure of the direction that they themselves want Canada to pursue. Said Wendy Dobson, executive director of Toronto's conservative-minded C.D. Howe Institute: "There is no clear vision yet of what the commission should be doing. It is simply mulling the anxiety and uncertainties that Canadians already feel." But Michael McCracken, head of the Ottawa-based small-business think tank Independent Enterprise Ltd., says that the commission's approach. Said McCracken: "They have not themselves a pretty ambitious task. It is too bad a lot of people cannot seem to get beyond the knee-jerk reactions." McCracken's own view is that the inquiry will help ease Ottawa's dilemma by adopting a broad range of experiments to examine economic policy, an approach that has fallen out of favor in most years as Western countries tried to shake themselves free of stagflation.

For MacDonald, the challenge now is to ensure that his commission's final report—expected in June—will be

1985—in a considerably greater substance than the interim offering. The commission will also have to try again to attract new submissions from several groups that MacDonald says have shown little interest in the inquiry—among them, the energy and transportation sectors, the legal profession and the British Columbia government. If last week's events are any indication, convincing those doubters will be a formidable task indeed. ☐

Bolck, 'bucket of mush'



Terror on a spring morning

By Ross Lyster

It was a fresh spring morning in central London's fashionable St James's Square. The daffodils were in bloom, and outside the elegant Georgian mansion that serves as the Libyan embassy, several British police were ending and exchanging jokes as they listened to the noisy clattering of two rival but peaceful groups of demonstrators. Then, without warning, an unidentified gunman poked the nose of a submachine gun through the curtains of a second-floor window, spraying the crowd below with a short burst of bullets. Terrified bystanders scrambled for cover, and 30-year-old policewoman Yvonne Fletcher crumpled to the pavement, blood spurting through her white shirt. Two hours later she died as an operating table at Westminster Hospital surgeons fought to save her life. The demonstrators, all wearing Arabic scarves to hide their faces from the vengeful supporters of Libyan leader Col. Muammar Khadafi, were also wounded, five seriously.

Riven by the standards of Libya's revolutionary Islamic affiliation (page 30), last week's shooting was an alarming display of international terrorism. When the immediate shock passed, British diplomats in Tripoli found themselves in an equally lesser state of shock with Libya's Revolutionary Guards. Acting on Khadafi's orders, the guards surrounded the British Embassy and threatened retaliation against its 30 occupants if British security forces, which had sealed off the Libyan compound in St. James's, attempted to storm the London embassy. Renowned British politicians denounced the shooting as "totally unprovoked and barbaric" and an abuse of diplomatic immunity. Interviewed on NBC TV, the Libyan strongman accused the British police and demonstrators of launching an unprovoked attack on the London embassy. Then, commenting on the death of policewoman Fletcher, he declared, "British police shot themselves."

The seeds of last week's violent outburst were sown five years ago, when radical Libyan students took over the London embassy in a Tripoli-endorsed campaign against the "bourgeois habits" of some of the country's diplomats. But the students, who renamed the embassy a People's Bureau in line with Khadafi's theories of direct de-



TV footage of policewoman Fletcher after she was fatally shot at St. James's

mocracy, probably acquired the same diplomatic status and privileges as the people they displaced. On Feb. 18 an overtly violent group, called the Libyan Revolutionary Students Force, announced that it had expelled the aid consulates and seized control of the bureau. The Students Force declared that it was following resolutions passed by the General People's Congress, the Lib-

yan equivalent of a parliament.

The governing body's instructions to the students were unequivocal. "Every citizen is responsible for the liquidation of the enemies of the people and the revolution," the order said. At the same time, Khadafi dropped two respected moderates from his cabinet. Then he created a new post, minister for external security, to crack down on ex-

British students outside the Libyan embassy in an evening test of police force



trials opponents of the hard-line military regime. Among the government's many targets, Khadafi singled out those Arabs who "spend their time in London looking."

Afterward, the British police prepared for violence. In March pro-Khadafi fanatics carried out seven bomb attacks on Arab businesses in London and Manchester, injuring 30 people. Then, British authorities departed five Libyans and jailed four others on charges related to the bombings. At the same time, unknown assailants, believed to be Libyans, shot and killed a prominent dissident Libyan broadcaster in London. Officially, Libya denies any responsibility for the 1981 killing, even the bombings did not prepare the British police for the violence of last week's attack. For Fletcher and her fellow constables from New Street police station, the day began as a routine operation to control a demonstration by about 70 Libyans who had arrived by bus from the north of England. The five-foot, two-inch Fletcher was on duty with her fiancé, Police Const Michael Liddle. Described by a superior officer as "a bundle of energy, a dynamite," Fletcher had been assigned from the age of 15 to become a policeman, eventually converting the force to wear the normal five-foot, four-inch height requirement. On what was to be her last assignment, Fletcher and Liddle chatted as the protests got under way. The demonstrators, separated from the elegant, four-story embassy by temporary barricades, carried banners marked Khadafi Hugs Students. Across the street a smaller group of about a dozen Libyans staged a peaceful counter-demonstration in support of the regime.

But the short burst of gunfire brought hundreds of armed police to the scene. Many were members of London's 300-strong Diplomatic Patrol Group, whose task normally is to protect foreign diplomats. As police surrounded the building and sealed off a six-block area with tall, bright-blue plastic sheets, Scotland Yard marksmen crouched on surrounding rooftops and electronic technicians pointed listening equipment and cameras toward the bureau. Prime Minister Margaret Thatcher was on a visit to Portugal, but Home Secretary Leon Brittan took immediate charge at the cabinet office briefing room, known as COBRA, which acts as the nerve centre for such emergencies. Within hours of the shooting police set up telephone communications with the bureau and tried to persuade the occupants to leave. Acting on the advice of psychiatrists, they sought to

St. James's Square: policeman's helmet marks the spot where Fletcher fell

based on a working relationship, sending in food, soft drinks and cigarettes. On the noisy streets the plastic screens kept those inside the houses largely in ignorance of security preparations. Other "psychological" measures were more subtle. Western networks saw heavy footage about the crack Special Air Services regiment, which in 1980 stormed the Iranian Embassy in London, killing two Arab terrorists and freeing three hostages. Another hostage died in the assault. The strategists at CEMA knew that the bearded Libyan had a television set and that they were watching news reports.

It quickly became clear that the siege would develop into a test of will and endurance for the public and for Thatcher's ministers. British diplomats immediately protested to Tripoli. But the Libyan foreign ministry issued a grim warning that "An act of this magnitude will not go unanswered by the Libyan people, who know how to avenge themselves." And Libya reiterated that, faced by a retaliatory stage of the British Embassy. During the week Libyan officials lifted the guard and allowed Ambassador Oliver Miles, his wife and 10 staff to go free. But the siege resumed with the next day and it became clear that a negotiated settlement would be difficult to arrange.

About 9,500 Britons work in Libya, mainly for oil firms, and the fact that so many British lives and business interests were in danger forced London to play a waiting game. The British taste, and deputy assistant commissioner Richard Wells of Scotland Yard, was to proceed "slowly, calmly and patiently." The police made three demands, that the bureau's concerns should vacate it, that the authorities should be allowed in order to search for weapons and that the occupants submit to questioning.

The shooting led some commentators and politicians to demand changes in the traditional rules of diplomacy. British Consul General Sir John Smith and other staff with immunity from the jurisdiction of the host state and it prohibits host-country searches on embassy property. It is even doubtful that whoever fired the shot could be charged, because he was inside the bureau at the time of the crime. Sir John vowed that the police would "not be deterred from doing what is necessary. Diplomatic status does not convey the right to shoot people with machine-guns."

Indeed, whatever the outcome, the bloody episode seemed certain to force a re-evaluation of the delicate relations with Khadafi's radical regime—and the rules governing the conduct of diplomacy.

Writ by Ian Mather in London



Khadafi at a desert retreat: a reputation as the patronizer of international terrorists

The maestro of terrorism

By Maeri McDonald

The outspoken Italian journalist Oriano Fallaci described her 1989 encounter with Col Muammar Khadafi as "truly scary." And Fallaci, "If I were courageous, I would have killed him when I interviewed him." Her reaction was not unique. Many world leaders share her opinion of the mercurial and menacing Libyan strongman. Described last week by U.S. Secretary of State George Shultz as a "troublemaker to the world," the 46-year-old "guide to the revolution," as he prefers to call himself, has earned other epithets not nearly so genteel. He is known for his penchant for hanging drunken students in public and for ordering the burning of the embassies of governments that displease him. And his political and diplomatic actions are not easily ignored; the oil wealth he has sparsely populated desert kingdom has financed his reputation as the patronizer of international terrorism.

With that black gold—at which at the height of the energy crisis in 1980 was earning him as much as \$32 billion a year—Khadafi has saved violence and destabilization across the globe from

the Philippines to El Salvador and Northern Ireland. According to even the most conservative intelligence estimates, he has been a patron of Palestinian extremists and Italy's Red Brigades, played host to the shadowy super-terrorist "Carlos" and provided a welcoming committee for the assassin behind March's 1979 Olympic massacres, as well as for countless airline hijackers.

Khadafi's oil wealth has forced Western governments—including Washington until three years ago, when Ronald Reagan assumed office—to remain largely silent in the face of his most outrageous provocations. But that power has also had a double edge. As the oil giant and Western supplier of doing business with Tripoli increased over recent years, so did discontent among the three million Libyans suffering from plummeting revenues. Some analysts see a direct link between mounting domestic opposition and the vicious campaign Khadafi began four years ago to liquidate Libyan supporters of his regime abroad. Indeed, by exporting his state-backed terrorism to the Libyan diplomatic apparatus, as he did last week in London's St. James's Square, Khadafi has both assuaged a

warring and created a spectacular diversion for his people, shading against the edge of terror of his revolutionary committee at home.

Ever since his came to power in 1969 in a bloodless coup that toppled the corrupt regime of King Idris, Khadafi, the impulsive captain who promoted himself to colonel, has rebuffed his critics and ruled on the global scene. With a keen flair for public relations, he has cultivated his image as an ascetic planner of havoc at the behest of the African and Middle East. Possessing a paternalistic brand of Islam, he clamped down on Western influence in his own country, banning alcohol, television, dance, nightclubs and foreign banks and even forbidding English lessons. But at the height of the crisis caused by his invasion of Chad, he turned up for a night in Tunis—threatened by Muslim militants—bearing a gun-toting, all-female squad of bodyguards, a striking ostentatious display for a Muslim leader.

Chad last summer, he carried up for a night in Tunis—threatened by Muslim militants—bearing a gun-toting, all-female squad of bodyguards, a striking ostentatious display for a Muslim leader.

In 1973 Khadafi had also set up guerrilla training camps in Libya and Camp An-Nazari in the desert, where Cuban instructors offered advanced courses in sabotage and murder to members of Italy's Red Brigades, the Japanese Red Army, West Germany's Red Army Faction, Spain's ETA Basque militants, French Breton separatists and the Irish Republican Army's proviso. The IRA was reportedly still training in Libya as late as 1980. He has also sent arms to Muslim rebels in the Philippines, as well as

Gambel Abadi. His death defying support for local rebels and ardent celebration of temper successively isolated him from Egypt, Tunisia, Morocco and other nations he has fervently courted. As well, despite \$23-billion, Soviet-supplied arsenal, his ruling 500,000-man army had suffered losses until the Chad invasion last year.

The overall military failure of his forces may have spurred his efforts to do away with divided governments by a more closely integrated route in his controversial book, *The Green Book*—believed largely based on information supplied by Israeli and American intelligence—American journalist Claire Sterling calls Khadafi "The World Warlord of world terrorism." Sterling, co-author of *Secrets from the Desert: Khadafi comes to power* 15 years ago, his petrodollars have bankrolled the dark drama of a global web of national guerrilla movements.

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to disparate guerrilla groups in Latin America. But intelligence security and the claim that since 1970, when his oil revenues abruptly plummeted to \$7 billion from \$22 billion, Khadafi has cut back on international patronage and failed to make good on many of his financial promises.

The fall of revenues coincided with the first reports of a seven-year ordeal, deeply tribal land in which Khadafi had been successful at playing off the competing tribal loyalties of the country's two main tribes, the Tripoli and Benghazi. In 1980 several hundred were reportedly killed in an army mutiny near the Egyptian border. Killed Libyan opposition leader living in Tripoli, Uqaydah's 35. Amin Dada, who once backed in lamorous exile outside Tripoli. Such contradictions also doomed his megalomaniac vision for a Pan-Arab union inspired by his late hero, Egypt's

Nasser. He has been deprived of the latest in military hardware. The exit of U.S. oil interests two years ago after Reagan's oil embargo sparked an exodus of foreign technical experts and skilled workers who had kept the economy afloat. At the same time, shrinking revenues have been able to pay of essential foods, and Khadafi's reluctance to revolutionize People's Committees to stamp out internal dissent has only fanned discontent. Inspired by Khadafi's inflammatory rhetoric, the communists, comprised of hard-core radicals, have expropriated shops and factories and squatted in homes left unattended for only a few hours. But the real focus of dissent has been the university. In 1982, 300 students were arrested for protesting forced conscription.

Every time that revolt has flared at home Khadafi has raised the spectre of a common enemy abroad—he's called opponents in both 1980 and 1982 he invited his followers to "meet their full responsibilities in liquidating enemies of America"—a code phrase for opposition action. In 1980 alone, in response to that "Bennis is kill," as one diplomat termed it, five opponents of Khadafi's regime were murdered in Rome, three in Britain and one each in West Germany, Greece and Lebanon. In two of the British murders, the Libyan embassy, by then rechristened the People's Bureau, was implicated for supplying arms or inspiring the victims.

A new photo of Col. Khadafi: a troublemaker to the world

Other more recent accusations against Libya in Paris and West Germany have been denied, but the killings, intended to eradicate Khadafi's opponents, have unified the disparate groups. "The Green Book" has been a source of fear and martyrdom. As well, Khadafi's perversion of diplomatic privilege for his bloody campaigns has now forced other nations to take a hard line on Libya. The oil embargo is a way more of his other expatriated provocations have before Khadafi's actions have earned him the reputation of a dangerous political paranoiac. Indeed, the enigmatic, egomaniac, who regularly retreats to the desert where he was born to brood on his ambiguous role in the world, will need more now as one man of pop psychology that paranoiacs frequently have reason to feel they have reason to.



An awesome plan to combat terrorism

Only weeks after a terrorist truck bomb killed 243 servicemen at the U.S. Marine headquarters in Beirut last October, Washington formed an interagency group to study new means of combating international terrorism. The result of that review, which incorporated suggestions from 26 government departments and agencies, was National Security Decision Directive 185. Last week, on the eve of the Libyan Embassy terrorist bombings in London, the White House revealed that President Ronald Reagan had signed the directive on April 2. The order authorizes pre-emptive strikes and reprisal raids against suspected lifelines anywhere in the world. Said a White House official:

"The general idea is that we do not allow terrorism to go unpenalized."

The directive is a dramatic new departure in U.S. policy. It makes a fine distinction between assassination—expressly forbidden by an executive order from former president Gerald Ford, signed in 1976—and other types of murder. Said a White House spokesman:

"The distinction is that pre-emptive action is based on a specific planned event. Assassination is based on general opposition to a group or person thought to be engaged in terrorism."

Still, the directive, which the administration will soon submit to Congress for approval, will have plenty of muscle. Indeed, the Summer Olympics in Los Angeles and the presidential inauguration ceremonies in San Francisco and Dallas have heightened Washington's sense of urgency. As well as redesigning the permissible areas of anti-terrorist action, the legislation will be designed to improve the tools available to Washington to combat terrorism. A major thrust of the directive will be to improve intelligence-gathering to prepare for pre-emptive strikes. The United States already has close ties with the intelligence services of Britain, Australia, Israel and Canada, among others, but it will now want to strengthen those ties even more. At the same time, White House sources say, the legislation will relax and expand the talents of existing special forces.

Four such units are in a constant state of high



Green Berets on training mission in North Carolina: a constant state of high alert

alert. The largest is the 4,800-strong Special Forces, better known as the Green Berets, headquartered at Fort Bragg, N.C. The beretted members specialize in commando-style hit-and-run missions. Green Beret training includes silent killing with hands, knife or even a ball-point pen. They are also adept at using the most sophisticated interdicted sniper rifles.

A second force, the 600-member Special Warfare Unit—the Snake—is based at the U.S. Navy's Coronado base in California. The Snake specializes in sabotage raids and attacks from the sea and sky. These skills are so highly valued that they receive a \$10,000 bonus for re-enlisting—the highest such payment in the U.S. armed forces.

The third, air-strike force, approximately 800 strong, is the Reconnaissance Troops, part of the U.S. Marine Corps. They undergo a training regimen much like that of the Green Berets, at Camp Lejeune, N.C. The fourth unit, with just under 100 people, is attached to the clandestine branch of the Central In-

telligence Agency. This unit will act as an advance squad to prepare the way for a strike by one of the other three units.

Secretary of State George Shultz made it clear last week that Washington is prepared to use those units and any additional force that Congress approves, whenever it decides it is necessary to do so. Said Shultz: "My view is that if [terrorism] is likely to get worse before it gets better, I do not think that purely defensive measures are adequate." Asked if the United States might organize concerted strikes against Libya's Col. Muammar Khadaffi, Shultz replied, "I can envision it."

Shultz claimed that post-Vietnam congressional restrictions on presidential power had paralyzed U.S. efforts to achieve stability in Central America and the Middle East and that it had led to "formalism for its own sake." A White House official, who did not want to be identified, added that "substance" is not part of the new stance in Washington. The official elaborated with what amounted to a warning: "If we had hard information about impending terrorist actions, we would lack very seriously in the kind of actions, pre-emptive actions, we might take. This administration is not in the mood to do nothing."

—MAGUIRE, with William Leather in Washington.

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VOLKSWAGEN

Restoring blacks' faith in politics

Impressively the speaker introduced him proudly as "the next president of the United States," and as Rev. Jesse Jackson boldly straddled the podium, his mainly black audience swelled with promise and pride. Jesse is one of them, a voice from the streets, and if he does nothing else he has rekindled the vision of opportunity for his people.

Without money for radio or television commercials, the 40-year-old illegitimate son of a South Carolina sharecropper has stirred the black electorate beyond even his most optimistic expectations. Jackson has persuaded blacks to register and vote in record numbers—a trend that vastly improves Democratic chances in November's presidential election. And he will not merely arrive in San Francisco with as many as 350 delegates committed to his candidacy (which will win him a pivotal role in determining the convention's outcome) but he has made the once impossible prospect of a black man becoming at least vice-president entirely credible in so doing he has helped to restore blacks' pride and their faith in the possibilities of the U.S. political system.

Still, Jackson's campaign has clearly added new strains to race relations: if he cannot resolve them, those tensions threaten not only Democratic hopes in November but the broader social consensus that governs black-white relations as well. Jackson has demanded the abolition of runoff elections in the South, a system in which a black candidate in a field of white opponents usually suffers when the absence of an out-right victor in the first round forces a second vote. Jackson's bid has alienated southern Democrats. They fear a flight of white voters to Republican ranks on the grounds that many whites would vote for a white Republican rather than for a black Democrat with a chance of winning. As well, Jackson's belated admission that he had used anti-Semitic slurs ("Hyenas" and "Zionists," about New York) in a private conversation with a black reporter has intensified Jewish suspicions of both Jackson



Jackson on the campaign trail: easily inspiring Democratic votes in November's election

himself and the politics he represents. Finally, Jackson's refusal to disavow the inflammatory statements of one of his leading surrogates, Nelson of Islam leader Louis Farrakhan, injected an element of ugly racism into the campaign. Farrakhan, a former college singer, has called whites "devils" and praised

Farrakhan: an ugly element of racism



Hitler as a "great German." He has also threatened Washington Post reporter Milton Coleman, who disclosed Jackson's anti-Semitic words, saying, "One day soon we will punish you with death."

Jackson has declined numerous opportunities to repudiate Farrakhan, when he describes as a volunteer. Charles Jackson: "I have no abilities to control the words and positions and attitudes of surrogates." If a white politician had used or tolerated similar language on the national stage, his career could have ended the next day. The fact that even his opponents have judged Jackson by a different standard—their exclusion from former vice-president Walter Mondale and Senator Gary Hart, Jackson's rivals for the Democratic nomination, have been "undoubtedly evidence of Jackson's potential cost."

Turmoil by blacks in primaries in Alabama, New York and Pennsylvania were as much as 100 per cent higher this year than in 1980. Four years ago Ronald Reagan carried nine states, including New York, by a plurality of 165,000 votes or fewer. With Jackson's inspiring success, "I am somebody," black voters could deliver in the national Democratic contest both the Northeast and Midwest and Reagan's southern base.

But Jackson, the potential kingmaker,

"Gulf Canada still spends half its exploration dollars in the western provinces. Read why."

Keith Caldwell
Vice-President, Exploration, Gulf Canada Resources Inc.

At this moment, Canada is in a temporary state of oil self-sufficiency: our imports from foreign sources are roughly balanced by our exports from Western Canada to the U.S.A. But this self-sufficiency is tenuous, dependent on the whims of other nations.

Developing the oil in Canada's frontier areas and further development of crude sources such as the oil sands and heavy oil can eventually make us totally self-reliant - independent of foreign crude oil producers.

But a steady supply of crude from frontier sources is still a long way off - at least until the 1990s. In the meantime, Gulf Canada continues to explore for new crude sources in our traditional oil-producing areas in Western Canada. Higher oil prices have provided an incentive to look, and look again, for new fields - smaller, deeper, more elusive - and to develop new ways of recovering oil that still remains in older fields



Keith Caldwell

Billions of barrels of oil remain undetected in the ground in the western provinces. In Saskatchewan, Alberta and Northern B.C., Gulf Canada estimates there could be enough oil to last Canada for a decade or more at our current rate of consumption.

The excitement aroused by underway exploration and discoveries in Canada's frontier areas has overshadowed the importance of the western basin. While Gulf Canada has made important discoveries in the frontiers, and considers frontier oil essential for sustained Canadian oil self-sufficiency, we have continued to be an active explorer and developer in the western basin. Over the past five years, about half of our exploration budget has been spent in the western provinces. In the past year alone, we have drilled about



500 million years ago - before the Rockies were formed - much of Western Canada was covered by a vast sea with islands, rivers, deltas and coral reefs. As millions of years passed, one slowly formed on the ocean bottom, eventually becoming oil bearing rock in the area east of the present axis of the Rockies. One small reef formation at Burnaby was recently discovered using today's more sophisticated exploration methods.

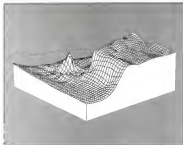
370 exploratory and development wells.

New technology and expertise find oil that was missed before.

In the past two years Gulf Canada has discovered many new deposits of oil in the western basin, the most dramatic being Burnaby - a relatively small but concentrated oil accumulation that will produce about 20 million barrels of crude.

Gulf Canada sees great oil-producing promise still in the western provinces. Working with improved technology in the familiar terrain of the western basin, our people are finding oil that was missed by less sophisticated exploration methods used in past years.

Seismic mapping has improved. And we are looking at results



Using Gulf Canada's innovative computer programs, hundreds of echo readings from seismic surveys in the Burnaby area of Alberta were converted into a 3 dimensional picture of the Burnaby reef. 1,750 metres below the surface. In the computer image shown above you see the small Burnaby "peak" lying in the shadow of the previously mapped main ancient reef. Gulf Canada continues to discover new oil in the western basin, substantiating our belief that a significant amount of oil still remains to be discovered in Western Canada.

more closely. The Burnaby field, for example, originally made so little impression on seismic maps that geologists and geophysicists did not recognize its potential. Looking again, and taking new readings with improved processing techniques, they were encouraged to drill, and they discovered a rich pool of oil no more than half a mile across.

Not all finds are so dramatic, but cumulatively many new smaller discoveries are helping to offset declining production from Western Canada fields.

Some of the new wells are found on the edges of old fields. In the past, some were too small to be economically viable. But, as prices increased, it became worthwhile to drill for "left-overs".

New oil from the western provinces can help see us through until the frontier fields come on stream. Eventually with long-term supplies assured, Canada could become a

major exporter, not just of crude oil and natural gas, but of gasoline, diesel fuels and other products manufactured in Canada.

Exploration helps create jobs - in the west and across Canada.

Direct activities related to the wells drilled by Gulf last year generated over 1,000 work-years of employment, and there are multiple spin-off benefits to thousands of other people: surveyors, road builders, service station operators, grocery stores, restaurants, TV repair men and on and on - with money rippling out to all parts of Canada. In fact, the spin-off benefits can be two to three times the direct cost of drilling and producing the well.

Recent activity in Western Canada is but a small example of what could happen if the full possibilities of the petroleum industry were realized. But to realize the full potential of resource development, we need fundamental changes

Top priority: an orderly resource development strategy. The National Energy Program must be reviewed. As a start, Gulf Canada recommends the following measures:

- Eliminate the discriminatory aspects of the Petroleum Income Payments (PIP) and introduce an exploration incentive system that treats companies equitably.
- Eliminate the back-in provision that allows the Federal Government to claim, retroactively, 25 percent of discoveries - including Hibernia, discovered before the introduction of the National Energy Program.
- Stimulate industry activity - and thus job creation - by taking less money out of the industry. Under the current system, money that could be going toward finding and developing new petroleum energy is taxed away before we have a chance to reinvest it. We suggest that the fiscal regime be modified to give the industry a chance to make a greater contribution to Canada's economic recovery.

The message is simple: with sensible policies we can trust, and a stable investment climate, we will make things happen, creating jobs and eliminating Canada's reliance on foreign oil.

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ing, has not yet revealed his price for actively supporting an eventual Democratic victory. His campaign to clinch runoff elections—now in use in 18 southern states—has won an outright endorsement from Hart but not from Mondale. Indeed, many Democrats—black and white alike—would be reluctant to abandon it. Added Julian Bond, a black civil rights activist and Georgia state senator: "The real problem is the reluctance of white Democrats to vote for blacks. It does not help to fiddle with the election laws."

A whole range of other issues in the Jackson platform could also destabilize the party's coalition. His commitment to the creation of a Palestinian state on the West Bank of the Jordan is repulsive to most traditionally Democratic Jews. His unqualified support for the Third World rebel cause, his call for a 50-percent cut in defense appropriations and his championing of a whole catalogue of left-wing causes—from the nuclear freeze to the Equal Rights Amendment—might drive conservative Democrats before-and-after back to the Reagan camp.

Moreover, if Jackson fails to reach his convention goals, either in writing a party platform acceptable to him or reversing electoral rules that he says are prejudicial to blacks, the effect on the Democratic nominee may be even more debilitating. Jackson has pointedly ruled out the notion of an independent candidacy. But Mondale, increasingly the likely Democratic choice after a 50-percent to 25-percent vote over Hart in last week's caucus in Missouri, could fairly rule out a pledge to work for abolition of the runoff system. In that event, any chances left, Jackson might choose to sit on the political sidelines, a decision that would deter blacks from voting in the numbers needed to elect Reagan.

Jackson's refusal to renounce Farrakhan's incendiary broadcasts does not auger well for compromise. Nor does it help him build the perceived goal of his campaign—a rainbow coalition of blacks, Hispanics, Asians, Jews and other ethnic-voting minorities. Indeed, if Jackson is perceived as speaking for black America alone, the Democratic nominee is bound to be caught in an uncomfortable dilemma. Embracing Jackson and his views would risk splitting the party and possibly ruining its next election. Embracing him would dash the newly reawakened hopes of black voters and add a taste of bitterness to U.S. politics that might take years to dissipate. Jackson's presidential bid has already won him title to the leadership of black America. What has yet to be seen is whether he can do the rest of the job.

—MICHAEL POSNER in Washington

Nicaragua

The warfare with Congress

Many U.S. lawmakers are openly voicing their relations between the Reagan administration and Congress have sunk to an all-time low. Following revelations that the Central Intelligence Agency had not informed all members of the Senate committee on intelligence about covert activities in Nicaragua, Senator Daniel Patrick Moynihan (D-N.Y.) angrily protested and then resigned last week as vice-chairman of the panel. Moynihan's dramatic move underscored Congress's hostile mood as it broke for a 30-day Easter recess.

Behind the alienation is a widespread

Senate committee on intelligence claimed that, on the evening of the invasion, the CIA had failed to inform them of its role.

At the same time, developments in Central America seemed likely to heighten the debate in Washington. An observation helicopter bearing two American sensors was fired on by Salvadoran rebels while it flew along the frontier between Honduras and El Salvador. Meanwhile, the U.S. government informally advised the Sandinistas that it will not accept its share of Deputy Foreign Minister Norberto Arias as ambassador to Washington. As well,



Moynihan before resigning: heightening the debate on Central America

beliefs that the White House has intentionally downgraded co-operation with Congress, making it difficult to reach compromises on contentious issues. Revelations in the media of the CIA's sponsorship of the mining of Nicaraguan harbors by rebel forces were especially galling to members of Moynihan's intelligence committee because the law exists then to fail bridge on all CIA covert activities. Observers suggested that Reagan plays to use mounting congressional opposition as a campaign device to boost his own popularity in November's presidential election. By doing so, they said, Reagan can deflect criticism from his foreign policy troubles.

Last week new reports of covert CIA activity in Nicaragua fueled these fears. Congressional sources alleged that the agency had directed the right-wing contra "batallas" led by Puerto Concha last October. Members of the

Sandinista government last week said it had regained control of the southern village of San Juan del Norte, four days after a 48-hour contra assault on the town. Reagan and the U.S.-backed contra forces last April 300 of its troops launched an assault backed by artillery and air attacks, although at week's end rebel spokesmen claimed they were still defending their positions. Administration officials warn that without additional aid, contra forces are likely to enjoy the current Contra could grind to a halt within weeks. But because of the new mood of alienation in Congress, approval of an administration request for an additional \$60 million seems unlikely. Indeed, congressional members from both sides are likely to reject the current Contra could grind to a halt within weeks.

—JAMES MITCHELL, with correspondents' reports



Reagan with China's deputy chief of mission, Hu Dingyong, and ambassador, Jeong

CHINA

Reagan goes on the road

Samuel Gompers, the father of organized labor in the United States, was once asked exactly what American workers wanted. The answer, Gompers said, was simple: "More." Secretary of State George Shultz, a former labor economist, replied that Secretary of State would be answering questions about Sino-American relations "by and large," said Shultz, "that's what we want and that's what they want."

This week, as President Ronald Reagan begins his meticulously prepared five-day visit to the Middle Kingdom, U.S. officials expect both sides to be considerably more open-minded. Indeed, Reagan will spend some seven hours in talks with senior Chinese officials, and the agenda will span everything from U.S. technology for China to cultural exchanges and the Soviet Union's military buildup in the Pacific. Reagan rounded last week that "there are some differences," as he prepared for his first trip to a Communist country. "But," Reagan added, "there are many more things that we have in common than that we are different. The entire Pacific basin is the world's future, and the most important state in that basin is the People's Republic of China."

Washington's approach to the visit is pragmatic. On major issues of disagreement, such as U.S. arms sales to Taiwan, White House officials do not anticipate any substantive shifts in policy

intended. In the first presidential trip to China since General Ford's 1975 foray, the Reagan administration is seeking more modest progress on political, economic and diplomatic issues.

Domestically, the president's 100-mile journey is expected to pay handsome dividends. Much of his schedule has been arranged for five months to coincide with the visit to the United States, including a speech at Shanghai's Fudan University. Reagan's advance hope that his telegraphic message as he enhances his bid for a second term.

The economic payoff is potentially more significant. Under Deng Xiaoping, said Reagan's first-hand strategist Harry Harding, "China has been transformed almost beyond recognition." Overcoming centuries of xenophobia, the Chinese are turning increasingly to the West to help modernize antiquated industries. If, as observers expect, the two countries sign a nuclear co-operation treaty soon, U.S. businesses will be competing for an estimated \$60 billion in equipment, training and

maintenance contracts. Last week Shultz hinted that agreement on the pact during Reagan's visit was possible. But other administration officials cited the clash between Chinese sovereignty and U.S. laws regarding safeguards on the transfer of nuclear technology to third countries—they suggested that agreement is not imminent.

Even so, Washington's decision last year to liberalize rules for nuclear high-technology sales should increase Sino-American trade well beyond the \$4.4 billion in 1982. Beijing's shopping list reportedly includes semiconductors, microcomputers, ocelloscopes and computers and other electronic equipment. China is also negotiating to buy U.S. military hardware—principally defensive weaponry, including anti-air and ground-to-air systems. In return, the United States would more liberal access to Chinese markets.

Strategically, Reagan's China gambit is part of the ongoing geopolitical contest with the Soviet Union. By deterring Washington hopes its improved ties with Beijing will help position the earth's most populous nation—one billion people—as an effective counterweight to Moscow's expanding role in Asia. Sino-American relations, which reached a new high point last month with the visit to Beijing of Prime Minister Yasuhiro Nakasone, are an important factor in that larger equation.

There is little possibility that China will be drawn into the Western anti-Chinese foreign policy line to follow an independent course, particularly in the Third World. Too cozy a relationship with Washington could complicate that objective. Still, there has been little remarkable progress in Sino-Soviet normalization talks, begun in 1962, and Premier Zhao Ziyang has called Moscow "the main threat to China's security." In fact, one reason for the sharp improvement in Sino-American contacts, says a Western diplomat, may be that the United States has strong anti-Soviet line has "allowed the Chinese to adopt a more aggressive, independent foreign policy."

However frank the discussion, Reagan's visit is likely to stress the warmth and maturity of the relationship. Not coincidentally, it is a theme that, for now at least, plays equally well on both sides of the Pacific.

—MICHAEL POSNER in Washington, with Wendy Lin in Beijing



De Lorean faces his trial

A self-styled "born again" John Zachary De Lorean finally faced his sinners last week. The silver-haired, 59-year-old former swimmer, who claims a recent conversion to Christianity, was immediately dressed as usual. His fashion-model wife, Christina Ferrare, 36, wore a white silk dress in District Court Judge Robert Tokugawa's courtroom in Los Angeles. But the couple's glamorous exterior did not deter Anderson, U.S. Attorney James Walsh as he opened the prosecution's case. Walsh declared that De Lorean's "divine will" to succeed had impelled him into a nefarious conspiracy to acquire and distribute 55 lb of cocaine worth \$50 million in a rare attempt to rescue his ailing De Lorean Motor Co. Added Walsh, addressing a jury of men and one woman: "This case is a story of a man with a dream. The dream has turned into a nightmare of pain, drugs and disgrace."

Continued evidence at last week's trial was a sharp contrast to De Lorean's former opulent lifestyle. First as a vice-president of General Motors, then as an entrepreneur, designing and launching the grill-wheeled sports car that bore his name, De Lorean

amassed—and spent—tens of millions of dollars. But last week, as the trial opened, his chief lawyer, Howard Weisman, told Tokugawa that his client has no money. On the day before De Lorean's trial opened, federal Judge Ray Keynton Graves ruled in a Detroit hearing that De Lorean fraudulently

The prosecution's case against De Lorean may get fail. But that would not end the former carmaker's troubles

stowed personal funds with those of his now-bankrupt car company and was not entitled to \$970,000 of the company's money which he claimed was his.

The opening of the Los Angeles trial followed a jury selection process that lasted five weeks. Weisman examined the credentials of more than 100 candidates for jury service. As well, there were defense allegations of prejudicial conduct after the CBS television network in October, 1983, aired part of an FBI

investigation showing De Lorean's arrest while he was allegedly examining a suitcase full of cocaine. But the main issue that loomed was the credibility of key prosecution witness James Timothy Hoffman. In Walsh's opening address to the jury, the prosecutor said that De Lorean had told Hoffman, a former neighbor and a convicted drug smuggler, that he needed \$40 million. But Hoffman was also a government reformer and after the initial approach Hoffman helped the FBI set up a series of meetings, all of them recorded or videotaped.

The defense claims that Hoffman is a convicted perjury—a claim the prosecution denies—and that his word is suspect. De Lorean never understood that he was being brought into a drug deal until it was too late, it contends, and De Lorean has publicly said that he was too frightened of Hoffman to back out. Replying to the prosecution's case, Weisman ridiculed what he said were agents' attempts to trick De Lorean into a deal.

Indeed, legal experts said the prosecution may well fail on the grounds of entrapment. But even if it does, De Lorean will face searching questions in bankruptcy hearings—questions that may be harder to answer than any posed at his trial.

—DAVID NORTH, with correspondents' reports

PEOPLE



Anderson: sympathy for car buffs

American singer Lewis Anderson's eclectic, avant-garde brand of music includes a sympathy for car buffs, singing on the bottom end of a driving board—and once also played her violin while standing in slushes frozen into a block of ice. Now Anderson is set to unleash her eccentric performances on Canada, in a major North American tour that starts this week. She'll visit 27 cities in the next two months, including Montreal and Vancouver. From promiscuous beginnings (shey careers adduced stem, but Anderson, 36, once wanted to be a librarian. She says she changed her mind because "I began to realize that there was a darker side to liberalism. They were like judges, putting books and an opinion.") Her ultimate expression of cynical freedom so far was her six-hour extravaganza of videos, poetry and electronic music titled *United States*, which drew more than 35,000 people to The Brooklyn Academy of Music over two nights last year. Her new show? North-

ing less than amplified chattering teeth and a violin that glows in the dark.

The Royal Family's embarrasment, Prince Andrew played the crown at almost every opportunity during his four-day visit to Los Angeles last week. The 36-year-old, third in line to the throne, fumbled a celebratory surfboard, cracked jokes at the guest of honor at a field house for the British Olympic Association and directed a scene in the MGM-UA movie *21st*, starring *Key* Schneider. Finally, when photographers beset him in the black ghetto of Watts, Andrew graphically demonstrated his insistence that Britons were not all "nice, smiling, well-mannered" by spraying a can of white paint at his transverse, damaging some expensive equipment. He said it was all an accident, but many royal-watchers found his whitewashing the press a delightful break from the royal tradition of taking commoners' lamps without protest.

When Betty Ford organized a reception in Grand Rapids, Mich., last week on the changing role of the president's wife, she said she wanted the three-day event to be a "serious inquiry into the duties, special interests, joys and tensions of an extraordinary responsibility that never ends." The former first lady has simply demonstrated her philosophy, when she overcame her addiction to alcohol and penicillins in 1976, one year after her husband, Gerald, had left the Oval Office, she established a treatment center whose patients have included Elizabeth Taylor and Johnny Cash. But while Rosalynn Carter and Lady Bird Johnson mapped charity work chatter with Ford at the conference, Jacqueline Jackson, wife of White House hospital *Jesus*, declared their conversation "just too trivial. Rosalynn has to get projects, and so-and-so has that, and what's yours?" Not that Jackson, 40, is against good works, she once considered becoming a nun.

It was a day of departures and beginnings for Margaret Thatcher. She taped her last Margaret TV show for coast in Ottawa, Tenn., at 6:30 p.m., the former wife of Prime Minister Pierre Trudeau married Piers Kempster, a wealthy Ottawa realtor, in a civil ceremony performed by



Andrew: whitewashing the press

Judge Hugh Paulin, a former Liberal MP. Planning to sample the 18-layer cake that Margaret's new mother-in-law, Marie-Claire Kempster, had baked, the couple and guests in the seven family guests will Trudeau's three sons and five off for two weeks in Blenheim, Trudon and Kempster, both 36, had been keeping company for 15 months. As for her earlier life as flower child and international philly, her father-in-law, John Forbes, said it simply, "We all make mistakes." —EDITED BY JACQUELYNNE CALLOW

Thatcher and Kempster: 18-layer homemade cake



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Alberta's brash new bankers

Canada's newest domestic bank, the Bank of Alberta, is a study in business smarts, risk-taking and provincial chauvinism. Underwritten by the astute confidence of Alberta's business sector, a group of 18 well-known provincial entrepreneurs, led by Edmonton millionaire Charles Allard, has already won its charter from the federal minister of finance, Marc Lalonde, and last week a public share offering on the Alberta Stock Exchange was well under way. That should be little fuss, and the new bank is expected to open for business at the end of May. The bank's founders hope to raise between \$125 million and \$300 million with the share issue which, combined with the \$16.5 million they have invested themselves, will get the bank off to a healthy start. Said the new president, Robert Spence: "It will be a well-capitalized bank."

Allard has been dreaming about the Bank of Alberta for almost 20 years. A former surgeon, he parlayed his diverse business investments into Allard Development, a conglomerate with holdings in everything from petroleum plants to real estate. In 1980 he sold the bank of his holdings to Calgary's Carma Developers Ltd for \$150 million just be-

fore the recession. Then Allard turned his attention to his Edmonton television station, CTV, his pay TV interests—he has a major interest in Superhighway—and to assembling the investors for the bank. Now Allard and his partners say they are determined to build a thriving institution that will initially deal with businesses hungry for loans but will soon expand its clientele to con-

A stagnant economy has not deterred the investors whose adventurous spirit fuels the new bank

sumers and its operations in British Columbia, Saskatchewan and Ontario. Allard, who reserved the bank's name with Parliament 18 years ago, took two years to organize backing. Allard himself invested \$5 million in the bank, 10 per cent of the bank's founding capital, which is the maximum amount permitted by law. Other major Alberta investors include Edmonton hotel owners

Rogers Probert and his son, Howard, contractor magnate Frank Brown, oilman Peter Langstaff and senior Alvin Jackson. Outside the province the group is relying on the contacts of 10-per-cent owner Ronald Li, chairman of The Bank of Montreal's Hong Kong Ltd., to win valuable clients in the Pacific Rim. Declared Spence: "Li has strong family connections throughout the world."

Despite the fact that the economic stagnation still plaguing Alberta has badly bruised other banking institutions, Spence says he believes that the timing of the new bank's birth is an asset. Most important, he said, the recession eliminated most shaky businesses from the scene, leaving strong firms in operation and reducing the possibility of bad loans. As well, the Bank of Alberta has two veterans at its helm: president Spence, 46, former vice-chairman of the Edmonton-based Canadian Commercial Bank, and chief executive officer Frederick Sparrow, 44, who spent 20 years with the Alberta Treasury Branches, a provincially owned banking operation, when William Abernethy's Social Credit government launched in 1968 to fill the gap left by the departure of his big bank during the 1930s. "So both men say 'they have learned the lessons of the financially troubled 1970s and have established safeguards against over-lending and bad loans. They will not permit any foreign loans and will restrict loans to any one creditor to 10 per cent of the bank's capital."

By mid-1986 the Bank of Alberta says it plans to expand from wholesale corporate banking to retail banking for consumers, initially relying mainly on automatic banking machines instead of branches to attract customers. The bank hopes that a phenomenon already under way in the United States—automobile teller machines shared by more than one bank—will catch on in Canada. Spence predicted that the shared machines will be set up in supermarkets and service stations and pointed out that they are already in use in Vancouver. But the bank has also targeted retirement, crime, including Vancouver, Toronto and Saskatoon, as branch sites.

A sense of timing has always been one of Allard's strong points. Said he: "Sometimes it is better to be lucky than to think you are smart." He has launched his latest enterprise at a time when the banking is back at the bottom of a business cycle and on the threshold of revolutionary technological change. But with a average 14-per-cent economic growth forecast for Alberta this year, the Bank of Alberta will have to rely on far more than luck to succeed.

—STANLEY ZARITSKY in Edmonton

BUSINESS WATCH

The adventure of spending money

By Peter C. Newman

There are two kinds of money: the income from life's labors and, for the lucky few whose earnings exceed their needs, spare dollars for discretionary pursuits.

There was a time when such "dead money" was spent entirely on self-indulged luxuries. J.K.L. Ross, one of the four contractors who pushed the CPE through the Rockies, for example, spent \$18 million on himself in the 1980s by buying eight Rolls-Royces, staffing his 40-room house on Mackinac Island with 30 servants, racing seven yachts and travelling not just in his own railway car but by private train. Those days are long gone, but the problem of how to make good use of wealth remains.

Apart from outright philanthropy (not a strange tradition in this country), it's doubtful if any rich Canadians have found a more constructive outlet for their extra megabucks than John Masters and Jim Gray of Calgary.

Through their company, Canadian Hunter Exploration Ltd., Masters and Gray achieved what every wildcatter in the Old West dreams of: they discovered an elephant-sized field (the Deep Basin at Kinsworthy) and brought it into production.

Their individual fortunes from the find will total \$300 million each. They live relatively modestly—Masters drives a Chevrolet Malibu, Gray an Oldsmobile Cutlass—and get their entertainment from their private investments, which include Shellfisheries International, a Boston-based private engineering firm, and CNO Fuel Systems, a pioneering Canadian venture pushing natural gas as a substitute for gasoline in cars.

They have now invested about \$30 million in the two ventures with no returns in sight, but could set up an enriching society as well as helping get another resource for themselves.

The reformer company is run by John Hunt, a former CEA operative and associate director of the Institute for Advanced Studies at Princeton. J.L. Masters first met Hunt when they were children in Pembroke, O.N., and backed the venture because he believes that biotechnology will be the 1990s what computers are to the 1980s. Shellfisheries employs 35 scientists, many of them graduates of Harvard and MIT, and Hunt is convinced that "over the next 20 years genetic engineering could

displace standard processing of goods worth \$25 billion—approximately the current size of the U.S. organic chemical industry." The eventual target of genetic engineering is the programmed intervention in the natural biological process, allowing its practitioners to re-design and reconstruct life-forms. "Even at this early stage," Masters says, "we're able to do some very remarkable things though we do not yet have the capability to alter human life."



Masters' an outlet for extra megabucks.

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concepts in the use of fertilizers. "It looks as though we're well on the way to solving the food problems of the Third World," Masters predicts. "We've developed strains of plants that can be grown in three instead of one crop a year. They'll be able to absorb a nitrogen out of the air and shed it into their own root systems. These guys figure that if they can perfect such a system, they'll get the Nobel Prize; they will have changed the economy of the world by inventing crops that fertilize themselves."

Only slightly less radical, Masters's partner, Jim Gray, concentrates on trying to convince Canadians to switch their cars to running on natural gas. Apart from the fact that we have lots of it, and that it's clean and safe, Gray explains that the large-scale adoption of natural gas will solve one of the nation's pollution problems. "Converting 600,000 high-mileage vehicles and constructing a thousand fueling stations would cost \$2.5 billion," he estimates. "That would replace 250,000 barrels of oil per day and make Canada self-sufficient. Savings from the decrease in imported oil would be \$5 billion each year. We're hoping to reach 600,000 conversions in Canada by 1990 and are already operating in half a dozen U.S. states on the Gulf Coast and in the Rocky Mountains."

Gray's natural gas as a transport fuel has caught on mainly in Italy, where there are 200,000 vehicles (over 10 million in Canada) for some time, only an estimated 1,000 cars and buses have so far been converted. "It's the perfect fuel," Gray estimates. "It's much more pollution-free. It would do away with carbonators and fuel pumps, and oil changes would be 50,000 miles apart."

The fears of both enterprises remain uncertain. Biototechnology may have infinite benefits, and it could be years before the applications are commercially viable, the use of compressed gas instead of oil seems natural, but established patterns of behavior are difficult to change. There is one theory floating around Calgary that Masters and Gray, who are raised free entrepreneurs and despite Ottawa politicians, have a hidden motive for trying to make their megabucks cars work. When Gray presented the idea to a group of federal civil servants, he was scoffed at and told that it would never fly. "Now," he says, "I'm going to prove they're a bunch of turkeys."

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Paying a high price for the Pill

Pauline Buchan had been taking the birth control pill Ortho-Novum 1/80 for just five weeks when she suffered a paralyzing stroke in 1978. Now 38, Buchan, of Mississauga, Ont., told *Maclean's* that she has "spent the last 10 years learning how to cope" with her disability and pursuing a lawsuit against the Pill's maker, Ortho Pharmaceutical (Canada) Ltd. Last week the Supreme Court of Ontario agreed that the company was negligent in not warning her of risks associated with the drug and awarded her almost \$887,000 in compensation. The award marked the

strenuous dragged on for years.

When the case finally came to trial earlier this year, one of the company's lawyers, Thomas Dumes, argued that Buchan wanted to avoid pregnancy so much that she would have taken the pills even if she had been warned about potentially dangerous side effects. She had one child and wanted to buy a home, Dumes said, adding, "This woman for very good reasons wanted to get on with her life." But in awarding Buchan almost \$887,000 in compensation and \$200,000 in interest, plus unspecified legal costs, Mr. Justice Richard Holland

would not have used the Pill if she had known of its risks. Besides, he said that Ortho was well aware of the risks that its product posed and as a result it had a duty to inform its customers. Holland said he thought that a warning pamphlet "announced to us warning of all."

Pepel said that the case could have broader implications concerning the duty of drug makers to warn consumers. But he added that the difficulty is generalizing about other drugs in that women take birth control pills voluntarily, not as a necessary medical treatment. Still, the outcome should in-



Buchan's judgment of more than \$800,000 against a Pill manufacturer for not warning consumers of the potential dangers

fact: In time in Canada that a consumer has successfully sued an oral contraceptive manufacturer, and it could have a profound effect on future requirements for drug companies to warn of risks.

Buchan's ordeal began when she suddenly developed a headache and felt unsteady on her feet during a party. "The stroke hit me," she said. "I was 33, had left her partly paralyzed on her left side—to the extent that she needs help even to get her food—and with emotional problems and some brain damage. When doctors advised her that the contraceptive pills probably brought on her stroke, she wept. But it was a long battle and, and one of her lawyers, William Pepel, "a very, very difficult and complex case." Preliminary

found that the company was negligent in not warning users and doctors of potential dangers. "There appears to be an unavoidable risk that a small percentage of users will suffer serious complications from using oral contraceptives," he said. "In this sense the product is dangerous, and in my opinion there is created a high duty to warn the consumer of danger."

Holland noted that Buchan suffered from a heart condition known as mitral valve prolapse, which would make her "somewhat more prone" to suffer a stroke because it could increase the possibility of a clot forming in the bloodstream. But recent tests showed no clotting problem, and the judge said he accepted Buchan's statement that she

convinced physicians and pharmacists to provide better information on drugs to patients, said Rose Rubens, health chairman of the Consumers Association of Canada. For Buchan, the award is a welcome relief from years of anxiety. "If anything happens to my husband, I would not be able to look after myself," she said. "I don't feel it is any compensation at all but I am hoping it will take the worry about the future away." As for other women, she hopes that her case will make them more aware of the risks involved in taking the Pill. Said Buchan: "I imagine there are women who would still take the birth control pill even though it is a danger to their health. But at least they have the right to be informed." —ROBERT BLUCK

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The Dining Room cast, ancient tribal customs and emotional twists of the exile

THEATRE

A feast of family strife

THE DINING ROOM
By A.R. Gurney Jr.
Directed by Leon Maje

The final offering of the season at Windsor's Mainline Theatre Centre (MTC) provides a tantalizing taste of the future for regional theatre in Canada. For some time it has been obvious that their subscription seasons, far from reflecting regional or even national cultural aspirations, are now increasingly available. Gurney's play, the 1982 off-Broadway hit *The Dining Room*, by U.S. playwright A.R. Gurney. The show's producers, the Toronto-based Gemstone Productions, will also take the play to Theatre Calgary and Ottawa's National Arts Centre before settling down to its St. Lawrence Centre for Canada's regional theatres, touring productions like *The Dining Room* are destined to become their staple diet.

The play, a harbinger of a coming trend, is sophisticated but refreshingly entertaining. A traditional dining room with a polished wood table and an awaiting chairs remains on stage throughout the action. On that set the cast performs brief scenes from the lives of a dozen families whose homes might include such a room. The changing values of successive generations emerge as the characters reveal their feelings about the room and act out scenes of domestic life. In one vignette a maiden aunt (Barbara Gordon), de-

lighted that her nephew (Donald Birdie) wants to photograph her table settings, carefully lays out her silverware and crystal—only to find that he will use the photos for an anthropology class on ancient tribal customs. Gurney's point is clear. Although some modern peoples have rejected the formality and hypocrisy they often had to swallow at the dinner table, they have also lost the powerful feeling of family unity which these meals fostered.

As one scene merges into the next, the cast, which also includes Marty Marsden, David McIlwraith, Nancy Palk and Douglas Rain, quickly shifts roles. The veteran Rain has the choice roles, and his performances are outstanding. Evidently, the old days of building a vehicle and a great deal more of theatre and touring it through the provinces—a scenario familiar from the recent play and film *The Dresser*—are not over yet.

Leon Maje has directed with a quick, light touch. An artistic success, the production is bound to succeed financially as well. In fact, *The Dining Room* marks the first time that nonprofit regional theatres are producing a show financed entirely by private investors. But in doing so these theatres raise the important issue of whether showing such a production seriously risks their cultural goals. If *The Dining Room* means controversy on that subject, as well as delight, it will do Canadian theatre a double service.

—MARK CHAMBERS

Tried for the crime of love

I LOVE YOU ANNE MURRAY
By Paul Leeson and David Young
Directed by Brian Richmond

In the winter of 1985 Saskatchewan wheat farmer Robert Charles Krieger received a three-month sentence and a \$500 fine for breaking a court order forbidding him to communicate with singer Anne Murray. For nearly 10 years Krieger professed his love for Murray and believed the feeling was mutual. Working from court transcripts, Toronto writers Paul Leeson and David Young have adapted Krieger's story for the stage with insight and dignity. The sensational nature of the case, however, was a strong protraction by Thunder Bay's Magna Theatre, late made it likely that *I Love You Anne Murray* will reap next season in theatres across the country.

To the police, Krieger was a potentially dangerous schizoid, but in court he appeared surprisingly articulate and rational. In the play, which reconstructs last year's trial, actor David Conner presents Krieger's case with passionate conviction. According to Krieger, Murray's songs contained hidden messages of love. He explains his belief convincingly on the grounds that lovers often read meaning into the words of the beloved and that Murray never specifically rejected him. As well, Murray's staff initially treated Krieger as just another fan and sent the usual signed publicity photos with phrases such as "Keep in touch," which only fueled his fantasies. Eventually, Krieger's impressive female crush, and he stands revealed as a man who is indeed not at all dangerous—just deluded.

Although Conner's portrayal of Krieger is charmingly naive and sophisticated, it is hard to believe that a man so deeply rooted in the province and who has so little of the country rubbed off on him. But that constitutes a minor flaw in an otherwise sensitive and sociologically romantic production. In between the trial scenes, Krieger and Murray (Anne Wright) act out the real and imaginary history of his one-sided romance, starting with the time he heard her first hit song, *Smooched*, while out ploughing his fields. Wright's remarkably faithful renderings of Murray's songs and her simple sincerity when she tells Krieger that he is mistaken are moving and convincing. Rich is imagery and wit. *I Love You Anne Murray* opens up intriguing perspectives on the rashness and folly of love.

—MARK CHAMBERS



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Coping with police stress

It seemed at first like a minor, routine assignment. Ontario Provincial Police Const. Donald Thum was patrolling rural backroads when his dispatcher sent him to investigate an accident near Whitney, about 300 km northwest of Toronto. When Thum arrived he found that he had to deal with a domestic dispute between two brothers.

Thum, one brother who had been drinking pointed the barrel of his 32-calibre rifle at Thum. As the constable approached, the men fired two shots over Thum's right shoulder. After a scuffle, the officer managed to disarm and arrest the gunman. But for Thum the

worst was still to come. Said Thum: "I broke down and cried like a baby. I was shaking like a leaf." It took him several days to regain his composure. As a result of the incident, which occurred seven years ago, Thum, now a corporal in the OPP, helped to establish one of the first police peer assistance counselling services in Canada last year. In addition to the provincial trauma unit, there are 54 peer counsellors who deal with such problems as alcoholism and marital breakdown. Now, despite suspense and internal opposition, various police forces in Canada are planning to implement similar programs in the near future.

In Calgary two psychologists have provided psychotherapy and counselling services for roughly 50 per cent of the city's 1,200-member police force since Chief Brian Sawyer introduced the program in August, 1978. The 100 counsellors have annually advised as many as 300 of the city's 4,500 officers. So far, they are the only two police forces in Canada that offer their members complete in-house counselling services, but interest in the program is increasing. The Metropolitan Toronto Police, with 5,400 officers, has set up a similar counselling service, which will start operations in the next few months. And the 15,000-member Royal Canadian Mounted Police has plans to establish a new counselling program by next fall.

Many of the daily pressures that police officers face are unique to their profession. They endure constant changes in shift work, they are often assigned to routine postings and they must deal with an apathetic and hostile public. Some departments use chaplains or consultants to deal with their emotionally disturbed officers.

In the case of the RCMP, Dr. Marion Webb, director of medical services, conducted a study of the force's health services in 1977 and found that 50 per cent of Mountie resignations occurred within eight years of enlistment because of "inherent psychological stress in a number of positions within the force." Recommended: With "Psychological counselling is very much needed within the force."

Still, the establishment of counselling services has met with resistance from some officers who feel that they do not need psychological help. Police educator Jonathan Skriver, who is preparing the proposal for Metropolitan Toronto's employee assistance program with Dr. Pierre Turpin, pointed out that only 12 of the 126 police forces in Ontario have adequately addressed the problem. But he is optimistic. Said Skriver: "I am not seeing tendentious into break with anyone. They are listening."

—DOUGLAS CLARK

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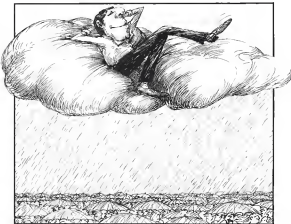
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The frontiers of pop

RECKONING
R.E.M.
(A.S.A. 44 8)

Most rock songs follow a standard verse-chorus pattern with an identifiable melody, but R.E.M., a U.S. band from Athens, Ga., composes sounds and feelings unorthodoxly, the way an abstract painter does. The group's postmodern folk-rock songs are richly woven and defy easy interpretation. Lead singer Michael Stipe's vocals are better at harmonizing moods than at communicating recognizable lyrics. In fact, one of the most decipherable—and memorable—phrases on the album occurs in "7 Chinese Bros. In that dark and dreamy place, Stipe's enigmatised words tell of sending "7,000 years to sleep away the pain." The tough, rocking *Pretty Persuasion* expresses a kind of delirious euphoria, while the softer, folky *So Central* *Rem* repeats a heartfelt apology. These melodic songs, played mostly in minor keys, present images and ideas that float the listener like matches from a wind stream.



Jackson snatches from a vivid dream

BODY AND SOUL
Joe Jackson
(A.S.A. 8)

British pop singer Joe Jackson's last album, *Night and Day*, mixed jazz with the Latin heat of salsa. On *Body and Soul*, his seventh and latest album, he returns some rhythmic percussion and at the same time demonstrates a (shy) for new musical styles. The recording is an elegant showcase for Jackson's versatile talent. On *Chia* *Conchita* an obvious love of Latin rhythms, while *You Can't Get What You Want (You Know What You Want)* is raucous, up-tempo funk. And in *Landaua*, a lush instrumental overture featuring piano and saxophone, Jackson has scored what could easily be a sound track for a gritty urban musical. That moodily and robust selection reveals his fascination with New York's Lower East Side and his growing penchant for finely tailored jazz. The album's most refreshing pop piece is *Happy Ending*, in which Jackson declares himself a statistical wart without getting snailish. Performed in duet with backup vocalist Elaine Caswell, it is brimming with optimism about survival in the 1980s. Joe Jackson is a perfectionist; no matter what form his music takes—With *Body and Soul*, he has created a stylish and masterful album.

—NICHOLAS BERNARDIS



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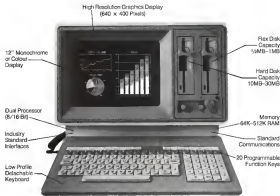
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CONSUMER

Controlling a 'telepest'

Critics have dubbed it "telepest." The computer version of the door-to-door salesman uses computers and automatic dialing machines to deliver pre-recorded telephone sales pitches to random households. The periodic messages attempt to interest consumers in products that range from carpet cleaning to credit cards and computer. It is to call on ordering number at the end of the recorded message. But a growing number of telephone subscribers from British Columbia to Quebec are complaining about the Automatic Dialling Answering Devices (ADAD). And in British Columbia, where more than 90 companies use ADAD, the provincial telephone company asked the Canadian Radio-television and Telecommunications Commission in January to establish regulatory guidelines. B.C. Communications Minister Pat McGee and Consumer Minister James Hewitt have attacked the device, which can place as many as 1,000 calls a day, in the legislature, charging that ADAD is up telephone lines.

British Columbia Telephone Company spokesman Walter Donaldson said that the company has received hundreds of complaints about the indiscriminate nature of the ADAD solicitations in the past six months. He added that computer telephone pitches annoy elderly and handicapped people who have difficulty answering their phones.

For some the calls can be more than a nuisance. In January, Diana Richard, from Richmond, B.C., said that she was unable to call for an ambulance for her two-year-old son, who was choking, because an ADAD message tied up her telephone line. Richard said the telephone rang before she could call for help and she was unable to break the connection for two minutes until the recording ended. Despite the criticism, Haskins, who owns Vaudette Communications in Vancouver, plans to sell ADAD systems. Said Haskins: "The advantage is that you can reach far more people in a given time than a live person can."

In the United States where the devices were introduced in the late 1970s, most critics agree that ADAD can be an automatic annoyance device which cuts off the message when the consumer hangs up. Michigan has taken the most decisive action. It has banned the devices entirely. —PAT HICKEY

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ART

The prim and primitive

The history of native and colonial art in the pre-Confederation period in Ontario has, until recently, been a sketchy tale of dispossession and neglect. Often the art and artifacts were carried out of the country as souvenirs by missionaries and military officers or buried in archives and libraries as inferior subjects to the great traditions of European art. Now, a large exhibition at

two opposing cultures and their struggle for self-expression.

In their effort to present the province's early visual culture from art-historical limbo, the organizers of the exhibition have mounted a forceful attack on the prejudices that museum administrators and art historians have long displayed toward native and colonial art. In part because Indians have no tradition of

producing art for art's sake, their artifacts, such as beadwork, carving and scrolls, have customarily been housed in

museums of ethnography rather than in art galleries. In the exhibition catalogue the curators argue that such segregation is nothing less than cultural "apartheid." Native artworks are not narrowly utilitarian but richly expressive, and they played an meaningful part within the culture as did the visual arts in Western society. Similarly, the curators seek to upgrade the lowly documentary status of the severe sketches, prints and paintings that constituted the bulk of the colonists' artistic output and place them within a larger historical framework.



Bercy's portrait of two opposing cultures.

the Art Gallery of Ontario (*From the Four Quarters: Native and European Art in Ontario 1600-1870*) AGO makes an ambitious attempt to piece together 800 fragments of that lost history, beginning with ancient Indian spearpoints and ending with Victorian painter Frederick Arthur Verner's romantic celebrations of the natives' dying way of life. What emerges from the sweep through the centuries, however, is not a grand epic spooling with masterpieces but rather a modest story of

one, displayed in a large color photograph, is a "winterwater partner" executed in red ochre about 200 years ago on a rock face on Lake Superior by an Ojibwa Indian, probably in commemoration of a successful canoe voyage. This streamlined silhouette of a horned animal with a ridge of spikes curving gracefully down its spine possesses a downy quality and symbolic force. A large collection of its impressive ornaments and carved pipes, although difficult to see in the gallery's poorly lit

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display cases, shows the power of skilled sculptors. The elegant simplicity of line and material in a dark harmonious (sourced around 2000 BC) or a stone swif's head on a 19th-century pipe find an echo centuries later in the sophisticated primitivism of sculptor Henry Moore. Similarly, portraits of such luminaries as Niagara Falls and early settlements at Kingston, Toronto and London have, at their best, a freshness and charm previously unserved in a large-scale exhibition.

But the juxtaposition of native and colonial art is both enlightening and confusing. After wading from primitive rock paintings to postcard images of Victorian garrison towns, from savage Iroquois masks to portraits of tempering young ladies, a viewer can easily become dizzy, and the native art suffers in the process. Because it is less accessible than colonial art, it is more likely to get lost in the welter of material presented in the exhibition.

In historic terms the spread of Renaissance culture through the colony had the same effect of sweeping native art. An traditional customs and beliefs were eroded, artistic activity declined to the level of producing decorative beadwork for tourists. At the same time, the contact with native culture brought out the best in colonial artists. William Berry's imposing 1865 oil painting of Mohawk chief Joseph Road, portrayed as a noble figure wrapped in a rich red blanket, conveys a sense of drama and psychological depth that is absent from society painter George Theodore Hervey's stiff-necked 1948 group portrait of Upper Canada judges. Paul Kane's depictions of native life, such as the luminous, panoramic *A Buffalo Pound* (1866) are clumsily rendered, but they do convey a sentiment of awe about the Canadian landscape that is missing from Elizabeth Simcoe's timid, orderly late 18th-century renderings of Niagara Falls and other picturesque locales.

That spirit of caution, coupled with a low level of technical proficiency, pervades much of colonial art. In the shabby portraits and small British-style landscapes it is possible to see a colonial society too absorbed with practical concerns to engage in mythmaking and too insecure to embrace the vast, rugged nature of its own wilderness. Even the native art of Ontario, which is often rich with philosophical and religious commitments, pales by comparison with the visual dynamism of West Coast totem carvings and sculptures. In the end, Ontario's art heritage is neither inspirationally nor tidily coherent. The split that separated the young colonial society from the ancient dying native culture remains too wide for any exhibition to reconcile.

—GILLIAN MACRAY



Stempel's lingering, backward glance at one of baseball's enduring figures

BOOKS

Memories from the field

STENGEL, HIS LIFE AND TIMES, by Robert W. Creamer, (Morrow, 224 pages, \$22.95)

One of baseball's most colorful qualms in the affliction with which it regards its own history. Stengel by Robert W. Creamer, takes part in that gently nostalgic tradition. Competently written and for the most part comprehensive, the book is a lingering backward glance at one of baseball's fondest memories. In the 1925 World Series, played between the New York rangers, the Yankees and the Giants, Casey Stengel was a 39-year-old, bawdy-legged veteran when he hit his first major-league home run. By so means the most valuable member of the redoubtable Giants, Stengel was certainly the most colorful. "People generally laugh when they see old 'Casey' Stengel run," wrote Damon Runyon. "But they were not laughing when he was running his home run home yesterday afternoon."

Here in 1980, Charles Dillon Stengel begins his career in Kansas City in the days when the outfield was often shared with grunting cattle. He ended it in 1965, retiring as manager of his "winning" New York Mets. The team was so wondrously and belovedly incompetent that it prompted Stengel, renowned for his grammatically frustrated pronouncements, to pose the famous question, "Can't nobody play this here game?"

Stengel was self-described as "a man that's been up and down." In 1944 he seemed to be at the end of his career,

managing the newly Kansas City Blues. But five years later, at the helm of the unadmirable Yankees, the 50-year-old manager embarked on a 10-pennant, seven World Series roll that placed him squarely in the record books. The Yankees of the 1940s included such famous names as Joe DiMaggio, Yogi Berra, Mickey Vernon and Billy Martin. "I had the honor," was Stengel's characteristic assessment of his managerial skills.

Creamer, a writer and editor for Sports Illustrated since 1964, tells the Stengel story with chronic pleasure and with solid, workaday prose. Not blessed with the lyricalism of such sports writers as Roger Kahn or Roger Kahn, Creamer lets the box scores and the celebrated Stengel anecdotes speak for themselves. Unhappily, he sheds little light on the manager's role, surely the most intricate and mysterious position in baseball, while leaving the reader with pages of misadventure. If, among Stengels, "I can't understand," Stengel once told a bewildered reporter, "why a man who's right-handed shouldn't be in left field because a left-handed man in left field and he's out of position on half the time himself..."

Baseball fans will probably enjoy Stengel, but that fact has more to do with the book's subject than its author. Creamer has straightforwardly recounted a life that was rich in the tales that make up the lore of a wonderful sport. The book reads like almost written itself. Like Stengel, Creamer had the horses. —DAVID MACFARLANE

A glimpse behind the convent walls

THEIRSE AND PIERRETTE AND THE LITTLE HANGING ANGEL, by Michel Tremblay, Translated by Sheila Fischman (McClelland and Stewart, 262 pages, \$19.95)

A decade ago Michel Tremblay, Quebec's best-known dramatist (*Les Belles Soeurs*, *Monna*), turned his considerable talent to writing novels. The result was *The Fat Woman Next Door* in French, the first of a projected four-part series set in working-class Montreal in the 1940s. *Fat Woman*, a broad, humorous, sentimental tale, sold an astounding 40,000 copies in Quebec. Its sequel, *Theirse and Pierrette* and the *Little Hanging Angel*, was the prestigious Prix Franco-Quebec in 1981. Now, Sheila Fischman's superb translation makes the book available in English.

Theirse and Pierrette abounds in the wretched comic interventions that made *Fat Woman* so popular. But Tremblay marks his vision with the presence of at least one ill-considered character, and fails to exploit the plot's dramatic tensions. The novel is set in a Roman Catholic girls' school, *Notre des Saints-Anges*, in 1942. Its 12-year-old heroines, Theirse, Pierrette and Simone, are grieving desperately at the approach of the annual Corpus Christi celebrations. Each is vying for a leading part in the religious pageant which takes place on the steps of the local church. Much of the story consists of their spirited arguments on the merits of playing either the Virgin Mary or the Hanging Angel, an unusual role that involves dangling from a rope. Modulating their disagreements is the deeply sympathetic Sister Sainte-Catherine, one teacher who remembers what it was like to be a nun.

Tremblay has steeped *Theirse and Pierrette* in a warmly sympathetic love that temperately displays the warmer side of life. In the benign atmosphere of the Corpus Christi plays, poverty and despair seem far away. There is a healing touch in the book's vision, typified in an incident involving one of the novel's minor characters. Theirse's great-aunt Victoire. She has taken to her bed, certain that death is near. But the passing Corpus Christi procession revives memories of a girl. She runs away from outside, her spirit suddenly restored by a miracle.

Although the novel is sentimental, it has its darker aspects. But rather than going over character's personality as well side, as in realistic fiction, Trem-

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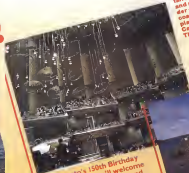
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may his chosen to concentrate all the madness in a couple of supremely bad people. One is Gérard Blais, a handsome psychopath bent on razing Thérèse. The other is Mother Benedict, an Angel, the 82nd-year principal of the school who belittles Sister Sainte-Catherine and her students. When the principal gets her conscience, the reader feels a pleasure that is almost childish. Thérèse and Pierre reveal a world in which good and evil always get their due.

Still, for all its appeal, the book is often disappointing. It gives the impression of being hastily conceived and sloppily executed. One problem is that Gérard's only passion is much too black for the general tone of the novel. Tremblay seems aware of the flaw, because he borrows his economy to pick out along that Gérard's disappearance from the scene in the only way with the author should never have introduced him in the first place. As well, many characters from the first novel of the quartet make brief appearances, which only distract the reader. And Tremblay fails to exploit Mother Benedict's presence. She should have threatened the success of the first two novels dramatically. In the end, the book's shortcomings temper its potential and cast an unfortunate shadow on some splendid imagery.

—JAMES HARRISON

MACLEAN'S BEST-SELLER LIST

Fiction

- 1 The Aphelion Progression, Coulthart (5)
- 2 Pet Sematary, King (6)
- 3 Pollock, Mahoney (5)
- 4 Sweet Women, Blais (7)
- 5 The Wicked Day, Stewart (5)
- 6 Land of the Dead, Greville (5)
- 7 Kinsmen's Egg, Atwood (5)
- 8 The Name of the Bone, Kim (5)
- 9 Bertha Game, Deighton (5)
- 10 The Leopard Hunter in Darkness, Smith

Nonfiction

- 1 The Game, Dryden (1)
- 2 In Search of Excellence, Peters and Waterman Jr. (5)
- 3 The March of Folly: From Truce to Vietnam, Tuchman (1)
- 4 Further Up the Organization, Townsend
- 5 Putting the One Minute Manager to Work, Eisenhower and Lortie (5)
- 6 Sex and Death, Greer
- 7 Intrepid's Last Case, Stevenson (5)
- 8 Lines and Shadows, Whamond (15)
- 9 The Money Spinners, McQueen (5)
- 10 The Discoverers, Doornik (5)

(1) Fiction list week



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The fight for the future of the Seaway

By Paul McGrath

They call themselves "river rats." Tens of thousands of Canadians and Americans work and play along the thickest, most picturesque passages of the St. Lawrence River. Men and women, pleasure and business have struck a bargain there: prime recreation and fishing areas off-atripe one of the continent's busiest highways of industry, the St. Lawrence Seaway, where 700-foot lakeers have plied the shipping lanes since 1908 from April until the ice closes it mid-December. Now a bill, backed by powerful interests in the U.S. Midwest, is quietly making its way through the U.S. Congress that could, by 1996, put icebreakers against the formidable winter ice on the river to extend the St. Lawrence Seaway shipping season to 10 months from its current 8½ months. But there are problems.

Within six weeks the U.S. House of Representatives will vote on whether to authorize \$607 million (U.S.) to buy icebreakers and build ice-control devices

as the first step of a process that could eventually open the seaway west of Lake Ontario for 10 months of the year. As the bill moves closer to the congressional floor, U.S. opposition to the massive scheme is growing. And officials in Canada, which justly controls many of the regions that the project will affect,

'Anybody understanding winter navigation knows it would be the beginning of the end for the St. Lawrence'

are beginning to be concerned.

Talk of extending the seaway season has surfaced periodically since the 1960s, but the controversy escalated last July, when Minnesota Republican Congressman Arlan Stangeland introduced the 8027-million provision into a larger, \$13-billion, water-related public works authorization bill. The larger

bill, H.R. 3035, has since passed unanimously through two House committees. Its supporters, largely in the U.S. Midwest, see winter navigation as a boon to employment and to such U.S. ports as Duluth, Minneapolis, and Chicago, which would eventually be able to carry on year-round business. U.S. opponents have raised a complex set of objections, both environmental and economic. At root, however, they question the wisdom of spending money to extend the operating season of a waterway that last year functioned at about 50 per cent of capacity. In Canada opposition so far is muted. Said New York-based opposition opponent Tim Eder, a water conservationist: "The way they are going about this is an insult to Canada. I am surprised you stand for it."

If the legislation is passed it will deeply invade Canada, which controls a number of key passages in the waterway, which stretches from the Atlantic Ocean to Lake Superior. Any U.S. effort to lengthen the seaway season would require similar icebreaking and ice-control innovations on the part of

Canada. Still, according to a Canadian Embassy spokesman in Washington, no U.S. state department official has approached Canada about the legislation. But any overture would likely meet a cool reception. Canadian ambassador to the United States Allan Gellish has already outlined the Canadian position in a recent note to the U.S. state department. He wrote it last September as the legislation was under study by a congressional committee.

Citing Canadian studies, Gellish declared: "The conclusion reached did not show such a project to be economically viable at this time. Release of these findings to Canadian industry generated very limited interest and virtually no expression of support for the extension of the operating season."

The debate over what Michigan Gov. James Blanchard has called "this billion-dollar lunacy" is now largely confined to the United States. Opponents of the extension are concerned about possible shoreline damage and disruption of fish-hatching grounds and wildlife refuges from the jolt of ice and from the wakes of tugboats that form under the ice and proceed to



McEwen: "If we can give this a kick, we could put it off."

principles of winter navigation know that it would be the beginning of the end for the St. Lawrence."

The opposition alliance reaches far beyond such environmental groups as Save The River and the Michigan-based Great Lakes United, a coalition of more than 100 water-reliant, trade-unions and local government organizations. Indeed, U.S. anti-seaway sentiment is strong. It includes the governments of all of the eight Great Lakes states, industry powers such as the Cleveland-based Lake Carriers' Association and U.S. federal agencies that include the U.S. Fish and Wildlife Service. As a result, no amendment to delete the winter navigation provision from H.R. 3035 when it comes to the floor of the House of Representatives.

Early in mid-May, the already gathered enough support for its passage. Said McEwen: "I do not think the project will ever go away entirely. But this moment is critical. If we can stifle up congressional support to give this a solid kick, we could put it off for 10 years, not just two or three." Canadian U.S. watch the outcome with interest and, possibly, with increasing alarm. ☐

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FILMS

The anguish of a child

THE STONE BOY

Directed by Chris Cain

The story of *The Stone Boy* is unswerving, affecting and potentially rich in emotion. When a 13-year-old boy, Arnold (Jason Freeman), accidentally kills his older brother, Eugene (Dennis Cuthbert), his family cannot help but ostracize him. Their resentment of him arises from grief and shock and reopens some old wounds. The father (Robert Downey) has always had trouble showing his feelings, and the mother (Glenn Close) has always held it against

him. But the images of the southwestern landscape are eloquent enough to speak for themselves. Because the movie deals with ordinary, seemingly unaccomplished people who weakly have freedom, expressing themselves. *The Stone Boy* is much too legitimate. Whenever a character opens his mouth, a pearl of wisdom issues forth. After a while the pretentiousness begins to stretch as endlessly as the topography.

Under any other circumstances, the high-powered cast would be a cause for celebration. But in *The Stone Boy* they each revert to type. As the father who



Downey and Freeman: a high-powered cast reverts to roles from the past

him that he did. Her brother (Freddie Forrester), who was extremely fond of his dead nephew, seeks comfort outside his marriage, and, in turn, his pregnant wife (Lia Yonagis) leaves him. Both find a way to blame Arnold for their own domestic ills. Only Arnold's kindly auntie (Wilford Brinley) keeps Eugene's death in perspective. He tries to cheer up the boy, even taking him to his house. Arnold, the "stone boy," remains frozen in loss and disbelief over his hapless deed.

In *The Stone Boy*, director Chris Cain never loses when it comes well enough alone. The movie is a veritable collage of lousy camera work—overexposures, fog filters and odd angles. Cain takes the landscape of the U.S. southwest, which lends the story its grim mood, and tries to brighten its visual

side. It's too difficult to reach out to his remaining son, Downey plays a taciturn character similar to the one he did in *Tender Mercies*, has recent Oscar-winning role. Close matches his reserve, once again playing the earth mother as she did in *The World According to Garp* and *The Big Chill*. And as a grandmother, any viewer would want to have Brinley come close to repeating his recent portrayal in *The Hotel New Hampshire*. Only Forrester as the womanizer seems newly suited.

Much of *The Stone Boy* is indeed surprisingly familiar—from a woman having a baby in a barn to the final father and son reconciliation scene. In trying to show off film-school knowledge, the director has merely succeeded in showing himself up.

—LAWRENCE O'TOOLE

What goes down must come up

By Allan Fotheringham

The way to restore perspective to a world that includes Eugene Wylan, John Maize and Mark MacGowan is to spend some time hanging around the Bells of Pever. It makes one feel small and humble and the opposite of wise. The Bells of Pever is an inn that can be reached by tortuously winding lanes, guarded by thick hedges, deep in the picture-postcard rural villages of Cheshire. Cheshire is the county that epitomises perfectly the English novel. Having perfected the most dismal, de-

pressing cities of the Industrial Revolution—the black, smoke-filled mills of the North—the Bellamy preserved outside them the idyllic countryside of Constable and Turner that makes me almost wince just watching it unfold across the train as I sit in window 34 north, Liverpool to East Faldreath, once a mile, 25-per-cent overemployment, extra, extra, extra, the train is a cheat, built on cheap costs from the far-off lands of the East, produces soccer players and nothing but soccer players, that no money people can live in such makeshift Corporation Streets/Archie Banker surroundings. Just minutes

It is all verdant walledness and gentle slopes. The Duke of Westminster, the richest man in an England that concentrates most of its wealth among a favoured few chieftain wendings at the top, is a major landholder. Just a few miles from the Welsh border sits Chester, a city as beautiful and clean as Liverpool and Manchester are dirty and ugly. It was a Roman camp, home of 20,000 indentured slaves turned into ever-ready troops, and the amphitheatre remains, along with traces of their central heating system.

One of the attractions, apparently, was the salt. In Roman times salt was more valuable certainly than sugar, perhaps more than gold. In Northwest, not far away, the vast deposits of salt found beneath the surface at the level of coal were discovered by the rapacious barons of industrialism. They sank

shaft, sucked the salt brine out and persisted while the ground collapsed and buildings tilted and slowly subsided around them. It took decades for them to agree to compensation, and today Cherkovo is filled with pleasant, shallow little lakes where the land gently gave way to the collapse underneath.

The old church of Power is approached, on the final stretch, over a cobblestone stretch that rattles the steel of the Land-Rover (driven, strenuously, by a chap terrified of right-hand drive, and Land-Rovers). It goes back to 1387, and the entire chancel and over a must-

laxly conquered, hedge-enclosed twenty lanes, is the village of Knaresborough. It too is not a Currier & Ives print. A narrow one-way street is flanked by half-timbered buildings. One imagines Dickens striding the tiny medieval. The Land Rover is parked. The driver, an experienced athlete, a well-co-ordinated chap who played at the national level in Canadian rugby, strong and fearless, a world traveller who has played for the U.S. Army basketball team in the Philippines, looks the dose on the right-hand, curb side.

He turns the key and drops the key. It drops, not three feet to the pavement but further. Clavently stretched beneath his drop is a grate. Through the grate hang the hayrack's gracefully snail. There is a plop, a splash and then silence. Now, Knauford is a small town. There are possibly two sewer grates in the whole place. There can't be two sewers in all of Cheshire, a small county. He has mismanaged, with skill, to park the Land-Rover over one of the few extant sewer grates in the richest county in all of England. We, naturally, and the

Kneaford contains what you would expect Kneaford to contain: an astounding collection of kind old ladies in tweeds and stout shoes stands about. How could one drop one's key down the only living sewer grate in memory? The answer is: it is thought to be the only hall to find a public works crew to search the sewers of downtown Kneaford, county of Chester, deep in England.

At the height of the carnival, attracted by the concentration of an untold crowd, a burly bachelorette leaped from his shop opposite. He has a large beard and a permanent laugh. He emerges with a string. Attached to the end of the string is a small magnet. He looses the string through the grate while the dentists of Knutsford howl and hold their breath. Catch. There is the sound of salvation. The string emerges from the rack and goes. There is the key. There is much repairing to a bottle of Goozee. The public works crew, an alert in its van, is relieved. Before can die, one should go in the Bells of Power and drop one's fly down a sewer in downtown Knutsford.

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